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This is by Richard Bacon

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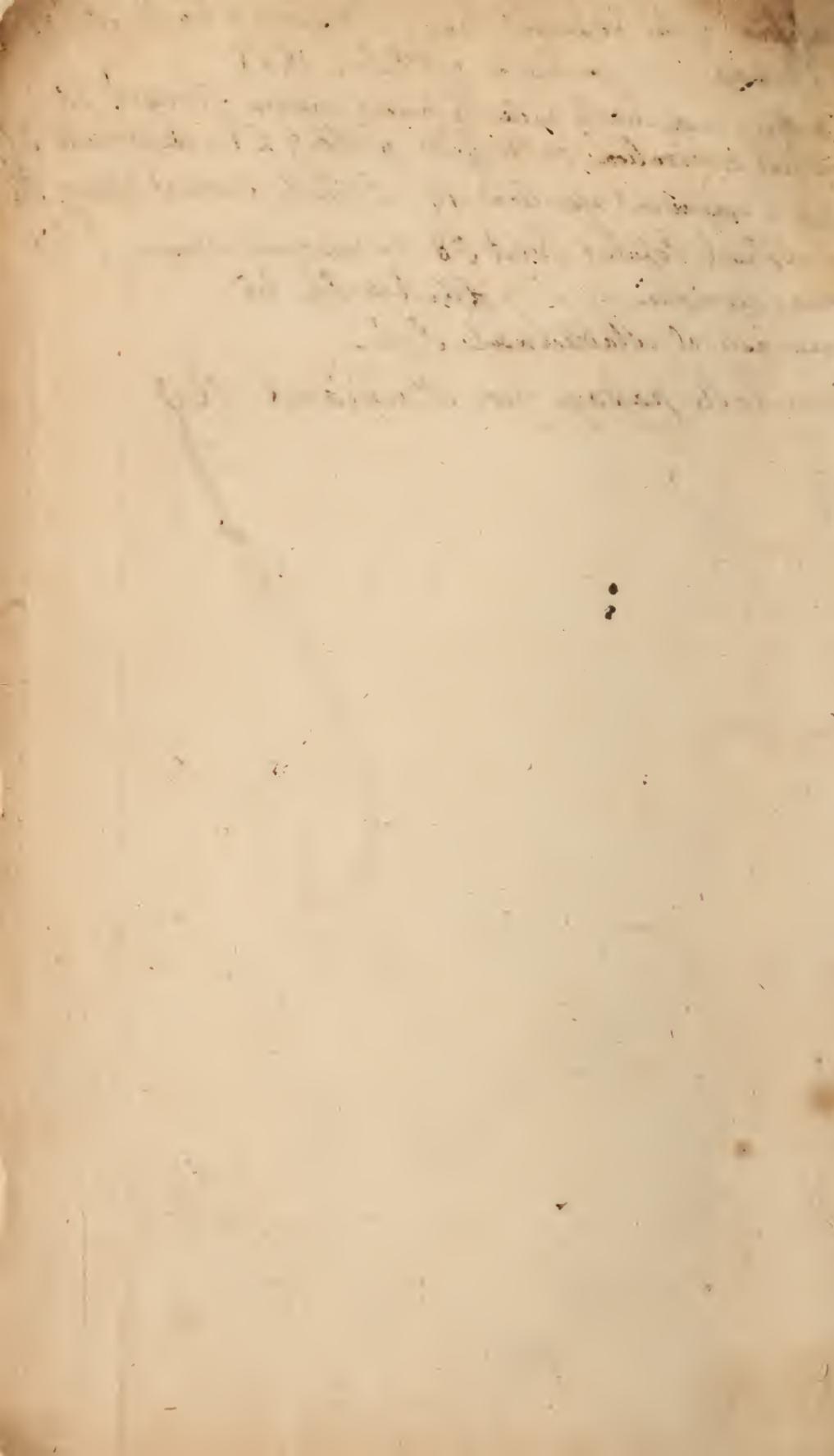
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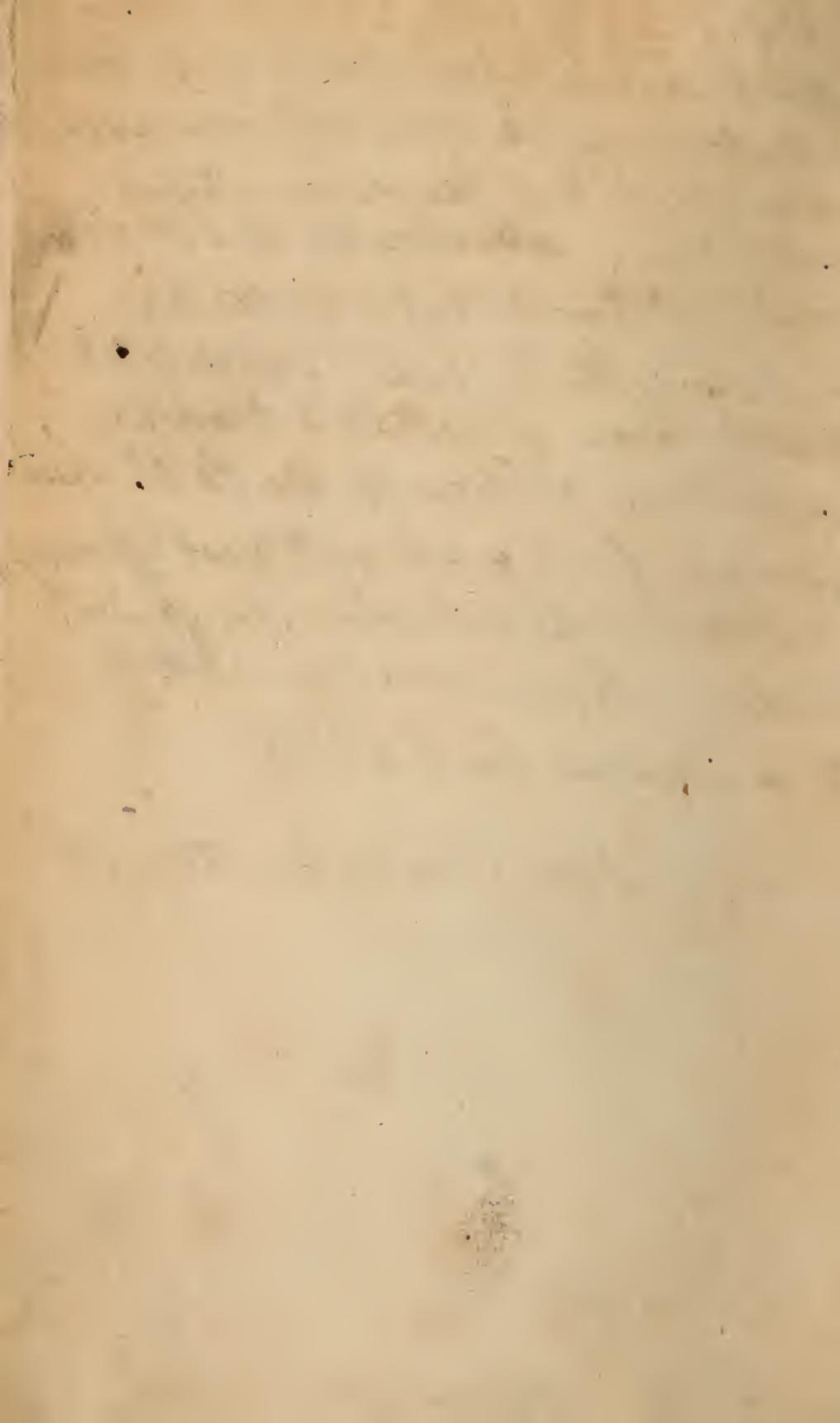
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Worckmont Headham born at Burford in Co. Oxon  
Aug: 1620 - B. A. of All Souls College - usher  
at March Taylor's School - writer of the Mercurius Britannicus. - a famous mobleader under  
the name of Capt. N. of Grays Inn - Studied  
practised Physic - ~~abandon~~ abandons the Parl. & obtain  
forgiveness of y<sup>t</sup> King in 1647 - writes here:  
Pragmaticas of the Puritans - imprisoned &  
pardoned by means of Lenthall & Bradshaw  
he writes here: politicus for the Parl. which  
he continues for 10 years with great efficacy -  
flies to Holland at the restoration - purchases  
his pardon - He practised Physic till his  
death in Devons Court in 1678

Anthony Wood Oxon: 1666



*Pat  
ow.*

*Das*

# THE EXCELLENCE OF A FREE STATE.

*by M<sup>archmont</sup> Needham'*

LONDON PRINTED FOR

A. MILLAR AND T. CADELL IN THE STRAND,  
G. KEARSLY IN LUDGATE STREET, AND  
H. PARKER IN CORNHILL

MDCCLXVII



*The of the Books published at the expence  
of Mr. Hollis.*

ACM 1767. N 43

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1767

PREFACE TO THIS EDIT.

On the subject of government, no country hath produced writings so numerous and valuable as our own. It hath been cultivated and adorned by men of greatest genius, and most comprehensive understanding, MILTON, HARRINGTON, SYDNEY, LOCKE, names famous to all ages.

But, beside their incomparable writings, many lesser treatises on the same argument, which are little known, and extremely scarce, deserve to be read and preserved: in which number may be reckoned the small volume I now give the public, written by MARCHAMONT NEDHAM, a man, in the judgment of some, inferior only to MILTON.

It was first inserted in the *Mercurius Politicus*, that celebrated state-paper, published "in defence of the Common-wealth, and for the information of the people;" and soon after re-printed in

181787

in 12mo, under the following title,  
" The Excellencie of a Free State. Or,  
" The right constitution of a Common-  
" wealth. Wherein all objections are  
" answered, and the best way to secure  
" the people's liberties discovered. With  
" some errors of government, and rules  
" of policie. Published by a well-wisher  
" to posteritie. London, printed for Tho-  
" mas Brewster, at the west end of  
" Paul's, 1656."

An account of the author may be  
seen in *A. Wood's Athenae Oxonienses*, tho'  
drawn in bitterness of wrath and anger.

If this volume shall be favorably  
received, the editor will go on to give  
other rare treatises on government in  
his possession, to the entertainment and  
benefit, as he hopes, of the public.

Reader, farewell,

Richard Baron

Below Blackheath, Jan. 1, 1767

T O

## T H E R E A D E R.

TAKING notice of late with what impudence, and (the more is the pity) confidence, the enemies of this commonwealth in their public writings and discourses labour to undermine the dear-bought liberties and freedoms of the people, in their declared interest of a free-state; I thought it high time, by counter-working them, to crush the cockatrice in the egg, that so it might never grow to be a bird of prey: in order thereto, I have published this following discourse to the world; that so the eyes of the people being opened, they may see whether those high and ranting discourses of personal prerogative and unbounded monarchy, (especially one lately published by Mr. Howel, that struts abroad with a brazen face) or a due and orderly succession of the supreme authority in the hands of the people's representatives, will best secure the liberties and freedoms of the people from the incroachments and usurpations of tyranny, and answer the true ends of the late wars.

This treatise is not intended for a particular answer to Mr. Howel's said book, but yet may obviate that part thereof which he calls, “ Some reflexes upon government :” for his main design is not so much, (though that be part) to asperse the Long Parliament, (and so through their sides to wound all their friends and adherents) as to lay a foundation for absolute tyranny, upon an unbounded monarchy: and in order thereunto, he advises his Highness to lay aside parliaments, (or at best, to make them cyphers) and to govern the nation *vi & armis*: not out of any honour or respect he bears to his person, “ but to bring “ the old interest and family into more credit “ and esteem with the people.”

His principles and precedents, they are purely his own : for I am confident, that the most considerate part of those that did engage for the late king, are so far from owning his tenets, that they would rather lay aside the family and interest of the Stuarts, and declare for a free-state, than endure to be yoked and enslaved by such an absolute tyranny as he pleads for. My reason is this : because most of the nobility and gentry of this nation have fair estates of their own, free, without any dependence upon the crown ; and they would be as unwilling to render

render up their estates and posterities in the paw of the lion, as the commoners themselves.

His precedents are as false as his principles are bad : for proof hereof, take one (and that a main one) for all : he saith, " That until the reign of Henry the First, the commons of England were not called to the parliament at all, or had so much as a consent in the making of laws."

To prove that this is false, there is extant an old Latin copy speaking of a parliament in the reign of king Ethelred; which telleth us, that in it were *universi Anglorum optimates Ethelredi regis edicto: & convocata plebis nultitudine collectæ regis edicto:* A writ of summons for all the lords, and for choice of the commons: a full and clear parliament. My author saith, " The proofs of parliaments, in Canute's time, are so many, and so full, that they tire us altogether." His remarkable letter from Rome, recorded by the Monk of Malmesbury, runs thus: To the arch-bishops, bishops, &c. *Primatibus & toti genti Anglorum, tam nobilibus, quam plebeis.* Hoveden is full in this also; *Cuj's (Edmundi) post mortem, rex Canutus omnes episcopos,*

Howel  
saith Wil-  
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or first  
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the word  
parlia-  
ment.

*copos, duces, nec non. & principes, cunctosque optimates gentis Angliae, Lundonice congregari jussit.* A clear summons of parliament. And the very name of parliament is found (saith my author) in his time, in the old book of Edmund's-Bury. *Rex Canutus, anno regni 5. cunctos regni sui prælatos, proceresque, ac magnates, ad suum convocans parliamentum.* And that it was a full parliament, we may believe from the persons we find there, at the charter to that monastery; confirmed by Hardicanute, but granted by Canute, *in suo publico parlamento, præstentibus personaliter in eodem archi-episcopis, episcopis, suffraganeis, ducibus, comitibus, abbatis, cum quam plurimis gregariis militibus (knights of shires it seems) & cum populi multitudine copiosa (other commons also) omnibus tum eodem parlamento personaliter existentibus.* Edward the Confessor refers the repairing of Westminster to the parliament: at length, *cum totius regni electione, (they are his own words) he sets upon the decayed pairing of minster.*

Mr.  
Howel  
would  
have his  
Highness  
lay a foun-  
ment for  
the re-  
pairing of  
Paul's  
without  
consent of  
parlia-  
ment.

But they that would know more of the customs and constitutions of this nation, let them repair to those large volumes, that are so frequent in print upon that subject; especially that excellent piece, “The Rights of the

the Kingdom." This may suffice to prove that the commons were called to parliament long before Henry the First.

I believe none will be offended with this following discourse, but those that are enemies to public welfare: let such be offended still: it is not for their sake that I publish this ensuing treatise; but for your sakes, that have been noble patriots, fellow-soldiers; and sufferers for the liberties and freedoms of your country, that posterity in after-ages may have something to say and shew to (if God shall permit any) succeeding tyrants, wherefore their fathers sacrificed their lives, and all that was dear to them: It was not to destroy magistracy, but to regulate it; nor to confound propriety, but to enlarge it: that the prince as well as the people might be governed by law; that justice might be impartially distributed without respect of persons; that England might become a quiet habitation for the lion and the lamb to lie down and feed together; and that none might make the people afraid: it was for these things they fought and died; and that not as private persons neither, but by the public command and conduct of the supreme power of the nation, viz. the people's representatives

## TO THE READER.

in parliament : and nothing will satisfy for all the blood and treasure that hath been spilt and spent, make England a glorious commonwealth, and stop the mouths of all gain-sayers, but a due and orderly succession of the supreme authority in the hands of the people's representatives.

A N

A N

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# INTRODUCTION TO THE FOLLOWING DISCOURSE.

WHEN the senators of Rome, in their public decrees and orations, began to comply with and court the people, calling them “lords of the world;” how easy a matter was it then for Gracchus to persuade them to un-lord the senate? In like manner, when Athens was quitted of kings, the power was no sooner declared to be in the people, but immediately they took it, and made sure of it in their own hands, by the advice of Solon, that excellent law-giver: for, as Cicero saith, There is a natural desire of power and sovereignty in every man, so that if any have once an opportunity to seize, they seldom neglect it; and if they are told it is their due, they venture life and all to attain it.

If a people once conceive they ought to be free, this conception is immediately put in practice ; and they free themselves. Their first care is to see, that their laws, their rights, their deputies, their officers, and all their dependents, be settled in a state of freedom. This becomes like the apple of the eye ; the least grain, atom, or touch, will grieve it : it is an espoused virgin ; they are extreme jealous over it.

Thus strangely affected were the Roman people, that if any one among them (though ne'er so deserving) were found to aspire, they presently fetched him down, as they did the gallant Mælius and Manlius ; yea, their jealousy was so great, that they observed every man's looks, his very nods, his garb, and his gait, whether he walked, conversed, and lived as a friend of freedom among his neighbours. The supercilious eye, the lofty brow, and the grand paw, were accounted monsters, and no character of freedom ; so that it was the special care of the wiser patriots, to keep themselves in a demure and humble posture, for the avoiding of suspicion. Hence it was that Collatinus, one of their freedom's founders, and of their first consuls, living in some more state than ordinary, and keeping at too great a distance from the people, soon taught

taught them to forget his former merits: insomuch, that they not only turned him out of his consulship, but quite out of the city into banishment. But his colleague Brutus, and that wise man Valerius Publicola, by taking a contrary course, preserved themselves and their reputation. For, the one sacrificed his children, those living monuments of his house, to make the vulgar amends for an injury: the other courted them with the title of majesty, laid the fasces, the ensigns of authority, at their feet, fixt all appeals at their tribunals, and levelled the lofty walls of his own stately house, for fear they should mistake it for a castle. Thus also did Menenius Agrippa, Camillus, and other eminent men in that popular state: so that by these means they made themselves the darlings of the people, whilst many others of a more grandee-humour, soon lost their interest and reputation.

Thus you see, that when a people's right is once declared to them, it is almost impossible to keep it, or take it from them.

It is pity, that the people of England, being born as free as any people in the world, should be of such a supple humour and inclination, to bow under the ignoble pressures of  
an

*Sovereignty of People.*

an arbitrary tyranny, and so unapt to learn what true freedom is. It is an inestimable jewel, of more worth than your estates, or your lives ; it consists not in a licence to do what you list, but in these few particulars : First, in having wholesome laws suited to every man's state and condition. Secondly, in a due and easy course of administration, as to law and justice, that the remedies of evil may be cheap and speedy. Thirdly, in a power of altering government and governors upon occasion. Fourthly, in an uninterrupted course of successive parliaments, or assemblies of the people. Fifthly, in a free election of members to sit in every parliament, when rules of election are once established. By enjoying these only, a people are said to enjoy their rights, and to be truly stated in a condition of safety and freedom.

Now if liberty is the most precious jewel under the sun, then when it is once in possession, it requires more than an ordinary art and industry to preserve it. But the great question is, Which is the safest way ? whether by committing of it into the hands of a standing power, or by placing the guardianship in the hands of the people, in a constant succession of their supreme assemblies. The best way to determine this, is by observation out of

of Roman stories ; whereby it plainly appears, that people never had any real liberty, till they were possessed of the power of calling and dissolving the supreme assemblies, changing governments, enacting and repealing laws, together with a power of chusing and deputing whom they pleased to this work, as often as they should judge expedient, for their own well-being, and the good of the public. This power is said to be the first-born of that people's freedom : and many a shrewd fit, many a pang and throw the commonwealth had, before it could be brought forth in the world : which (Gracchus told them) was a sore affliction from the gods, that they should suffer so much for the ignorance or negligence of their ancestors, who when they drove out kings, forgot to drive out the mysteries and inconveniences of kingly power, which were all reserved within the hands of the senate. By this means the poor people missing the first opportunity of settling their freedom, soon lost it again : they were told they were a free- state ; and why ? Because (forsooth) they had no king, they had at length never a Tarquin to trouble them : but what was that to the purpose, as long as they had a Caius, and an Appius Claudius, and the rest of that gang, who infected the senators with an humour of king-ing

ing it from generation to generation ? Alas, when the Romans were at this pass, they were just such another free-state as was that of Sparta, in the days of yore, where they had a senate too, to pull down the pride of kings ; but the people were left destitute of power and means to pull down the pride of the senate ; by which means indeed they became free to do what they list, whilst the people were confined within straiter bounds than ever. Such another free-state in these days is that of Venice, where the people are free from the dominion of their prince or duke ; but little better than slaves under the power of their senate. But now in the commonwealth of Athens, the case was far otherwise ; where it was the care of Solon, that famous law-giver, to place both the exercise and interest of supremacy in the hands of the people, so that nothing of a public interest could be imposed, but what passed current by virtue of their consent and authority : he instituted that famous council called the Arcopagus, for the managing of state-transactions ; but left the power of legislation, or law-making, in a successive course of the people's assemblies ; so that avoiding kingly tyranny on the one side, and senatical encroachments on the other, he is celebrated by all posterity, as the man that hath left

left the only pattern of a free-state fit for all the world to follow.

It is also to be observed, when kings were driven out of Rome, though they were declared and called a free-state, yet it was a long time ere they could be free indeed, in regard Brutus cheated them with a mere shadow and pretence of liberty: he had indeed an ambition high enough, and opportunity fair enough to have seized the crown into his own hands; but there were many considerations that deterred him from it; for he well perceived how odious the name of king was grown: Besides, had he fought to inthrone himself, men would have judged it was not love to his country made him take up arms, but desire of dominion; nor could he forget, that serene privacy is to be preferr'd before hazardous royalty: for what hope could he have to keep the seat long, who by his own example had taught the people both the theory and practice of opposing tyranny? It was necessary therefore that he should think of some other course more plausible, whereby to work his own ends, and yet preserve the love of the people; who not having been used to liberty, did very little understand it, and therefore were the more easily gulled

gulled out of the substance, and made content with the shadow.

For the carrying on this design, all the projecting grandes joined pates together ; wherein, as one observes, *Regnum quidem non men, sed non regia potestas Româ fuit expulsa* : Though the name of king were exploded with alacrity, yet the kingly power was retained with all art and subtilty, and shared under another notion among themselves, who were the great ones of the city. For all authority was confined within the walls of a standing senate, out of which, two consuls were chosen yearly ; and so by turns they dubb'd one another with a new kind of regality ; the people being no gainers at all by this alteration of government, save only, that (like asses) they were saddled with new paniers of slavery.

But what followed ? The senate having got all power into their own hands, in a short time degenerated from their first virtue and institution, to the practice of avarice, riot, and luxury : whereby the love of their country was changed into a study of ambition and faction : so that they fell into divisions among themselves, as well as oppressions over the people ;

people ; by which divisions, some leading grandees, more potent than their fellows, took occasion to wipe their noses, and to assume the power into their own hands, to the number of ten persons. This form of government was known by the name of the Decemvirate ; wherein these new usurpers, joining forces together, made themselves rich with the spoils of the people, not caring by what unlawful means they purchased either profit or pleasure, till that growing every day more insupportable, they were in the end by force cashiered of their tyranny.

But what then ? The people being flush'd with this victory, and calling to mind how gallantly their ancestors had in like manner banished kings, began at last to know their own strength ; and stomach'd it exceedingly, that themselves, on whose shoulders the frame of state was supported, (and for whose sakes all states are founded) should be so much vas-  
 salized at the will of others, that they who were lords abroad, should be slaves at home : so that they resolved to be ridden no longer under fair shews of liberty. They raised a tumult under the conduct of their tribune Canuteius ; nor could they by any persuasion be induced to lay down arms, till they were put in possession of their rights and

Goodness preferred before greatness

privileges. They were made capable of offices of the government, even to the dictatorship ; had officers of their own, called tribunes, who were held sacred and inviolable, as protectors of the commons, and retained a power of meeting and acting with all freedom in their great assemblies. Now, and never till now, could they be called a free-state, and commonwealth, though long before declared so : for the way being open to all without exception, virtue, learning, and good parts, made as speedy a ladder to climb unto honours, as nobility of birth ; and a good man as much respected as a great ; which was a rare felicity of the times, not to be expected again, but upon the dawning of another golden age.

The main observation then arising out of this discourse, is this, That not only the name of king, but the thing king (whether in the hands of one or of many) was plucked up root and branch, before ever the Romans could attain to a full establishment in their rights and freedoms.

Now when Rome was thus declared a free-state, the next work was to establish their freedom in some sure and certain way : and in

in order to this, the first business they pitch'd upon, was, not only to engage the people by an oath against the return of Tarquin's family to the kingdom, but also against the admission of any such officer as a king, for ever ; because those brave men, who glorified themselves in laying the foundation of a commonwealth, well knew that in a short revolution others of a less public spirit would arise in their places, and gape again after a kingdom. And therefore it was the special care of those worthy patriots, to imprint such principles in men's minds, as might actuate them with an irreconcilable enmity to the former power : insomuch, that the very name of king became odious to the Roman people ; yea, and they were so zealous herein, that in process of time, when Cæsar took occasion by civil discords to assume the sovereignty into his single hands, he durst not entertain it under the fatal name of king, but clothed himself with the more plausible stile of emperor ; which nevertheless could not secure him from the fatal stab that was given him by Brutus in revenge, on the behalf of the people. Our neighbours of Holland traced this example at the heels, when upon recovery of their freedom from Spain, they bind themselves by an oath to abjure the government, Oaths in those days were

not like not only of king Philip, but of all kings for  
an old almanack. ever.

Kings being cashiered out of Rome, then the right of liberty, together with the government, was retained within the hands and bounds of the Patrician or Senatorian order of nobility; the people not being admitted into any share, till partly by mutinies and partly by importunities, they compell'd the senate to grant them an interest in offices of state, and in the legislative power, which were circumscribed before within the bounds of the senate. Hence arose those officers called tribunes, and those conventions called assemblies of the people, which were as bridles to restrain the power and ambition of the senate, or nobility. Before the erection of those, whilst all was in the hands of the senate, the nation was accounted free, because not subjected to the will of any single person: But afterwards they were free indeed, when no laws could be imposed upon them without a consent first had in the people's assemblies: so that the government in the end came to be settled in an equal mixture of both interests, patrician and popular; under which form, they attained to the height of all their glory and greatness. In this form of free-state, we now see the Venetian,

No laws imposed,  
but with  
the peo-  
ple's con-  
sent in  
their as-  
semblies.

tian, where the patrician is predominant, and the people a little too much kept under. The same form is embraced also by our neighbours the United Provinces ; but the best part of their interest lies deposited in the hands of the people. Rome kept up their senate as their standing council, for the managing of state-affairs, which require wisdom and experience : but as for making of laws, and the main acts of supremacy, they were reserved to the grand assemblies ; so that the people gave rules whereby to govern, and the secrets of government were intrusted in the hands of the senate. And this commonwealth ever thriv'd best, when the people had most power, and used most moderation : and though they made use of it now and then to fly out into extravagant courses, yet they were no lasting fits, like those distempers that brake out through the ambition of the senators. Besides, we cannot but take notice, as long as the popular interest continued regular, and more predominant than the other, so long the people were secure of their liberties : which enjoyment, was a good allay and recompence, for many harsh inconveniences that brake out when they were unruly and irregular : whereas, when the senate afterwards worm'd the people out of power, as that design went on

by degrees, so Rome lost her liberty ; the senate domineering over the people, and particular factions over the senate, till those factions tearing one another to pieces, at length he that was head of the paramount surviving <sup>The Ro-  
mans lose their rights and</sup> liberties. faction, by name Cæsar, took occasion to usurp over all, swallowing up the rights and liberties of the Romans, in the gulph of a single tyranny.

It was a noble saying, (though Machiavel's)  
 " Not he that placeth a virtuous government  
 " in his own hands, or family ; but he that  
 " establisheth a free and lasting form, for  
 " the people's constant security, is most to  
 " be commended." Whosoever hath this  
 opportunity, may improve his actions to a  
 greater height of glory, than ever followed  
 the fame of any ambitious idol that hath  
 grasp'd a monarchy: for, as Cato saith in  
 Plutarch, " even the greatest kings or ty-  
 " rants, are far inferior to those that are emi-  
 " nent in free-states and commonwealths :" Nor were those mighty monarchs of old, to be compared with " Epimanondas, Pericles,  
 " Themistocles, Marcus Curius, Amilcar,  
 " Fabius, and Scipio," and other excellent  
 captains in free-states, which purchased  
 themselves a fame, in defence of their liber-  
 ties.

ties. And though the very name of liberty was for a time grown odious, or ridiculous among us, having been long a stranger in these and other parts; yet, in ancient time, nations were wont to reckon themselves so much the more noble, as they were free from the regal yoke: which was the cause why then there were so many free-states in all parts of the world.

Nor is it only a mere gallantry of spirit that excites men to the love of freedom; but experience assures it to be the most commodious and profitable way of government, conducting every way to the enlarging a people in wealth and dominion. “ It is incredible to be spoken (faith Salust) how exceedingly the Roman commonwealth increased in a short time, after they had obtained liberty.” And Guicciardine affirms, “ That free-states must needs be more pleasing to God than any other form, because in them more regard is to be had to the common good, more care for the impartial distribution of justice, and the minds of men are more enflamed thereby to the love of glory and virtue, and become much more zealous in the love of religion, than in any other government whatsoever.”

The Romans flourished most when they were a free-state.

It

It is wonderful to consider, how mightily the Athenians were augmented in a few years, both in wealth and power, after they had freed themselves from the tyranny of Pisistratus: but the Romans arrived to such a height, as was beyond all imagination, after the expulsion of their kings, and kingly government. Nor do these things happen without special reason; it being usual in free-states to be more tender of the public in all their decrees, than of particular interests: whereas the case is otherwise in a monarchy, because in this form the prince's pleasure weighs down all considerations of the common good. And hence it is, that a nation hath no sooner lost its liberty, and stoop'd under the yoke of a single tyrant, but it immediately loseth its former lustre, the body fills with ill humours, and may swell in titles; but cannot thrive either in power or riches, according to that proportion which it formerly enjoyed, because all new acquisitions are appropriated as the prince's peculiar, and in no wise conduce to the ease and benefit of the public.

It was the pride of Richard Nevil, the great Earl of Warwick, and he reckoned it the greatest of earthly glories, to be called, (as indeed he was) a king-maker, in that he made

made and unmade kings at his pleasure: for we read in our Chronicles, how that he first pull'd down the house of Lancaster, and brought king Henry the sixth from a crown to a prison; setting up the title of the house of York, in the person of king Edward the fourth: afterwards, he deposed this Edward, drove him out of England; and restored the same Henry to the crown, whom he had before depress'd. But the great query is, Wherefore, and how this was done? One would have thought, there had been no hope of reconciliation betwixt him and the house of Lancaster, having so highly disengaged them, in casting down and imprisoning the person of Henry: But yet it is very observable of this man, Warwick, being on a sudden discontented with the change that he had made, because he missed of those ends which he aimed at, in bringing it about; and perceived other persons (whom he conceived his inferiors,) to partake of the interest and favour of Edward; therefore out of an emulous impatience of spirit, he presently cast about to undo all that before he had done; he supprest the new government, to advance the old.

From which piece of story, we may very well conclude, how unsafe it is in a new alteration,

teration, to trust any man with too great a share of government, or place of trust; for such persons stand ever ready (like that Warwick) upon any occasion of discontent, or of serving their own interests, to betray and alter the government; especially if they have Warwick's main guard, that is, if they can (as he did) bring the prince whom they formerly disengaged, to come in upon their own terms, and upon such conditions as may bridle him, and secure the power so in their own hands, that whilst he king it only in title, themselves may be kings *de facto*, and leave their old friends in the lurch, or yield them up at mercy (as Warwick did) to gratify the tyrant, and their own tyrannical ambition.

How much therefore doth it concern every commonwealth, in such a case, to see and beware that Warwick's Ghost be not conjur'd up again to act a part in some new tragedy.

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THE  
RIGHT CONSTITUTION  
OF A  
COMMONWEALTH.

THE Romans having justly and nobly freed themselves from the tyranny of kings, and being in time brought to understand that the interest of freedom consists in a due and orderly succession of the supreme assemblies; they then made it their care, by all good ways and means, to fortify the Commonwealth, and establish it in a free enjoyment of that interest, as the only bar to the return of kings, and their main security against the subtil mining of kingly humours and usurpations. The publick Rostra, or pulpits, sounded out the commendations of freedom; their augurs, or prophets, found freedom written in the entrails of beasts, and collected it from

the flight of the auspicious bird, the sun-dar-ing eagle, spreading her wings aloft over the Capitol: the common people also, in their common discourses, breathed nothing but freedom, and used the frequent mention of it as a charm against the return of tyranny.

Nor was it without reason, that this brave and active people were so studiously devoted to the preservation of their freedom, when they had once attained it, considering how easy and excellent it is above all other forms of government; if it be kept within due bounds and order. It is an undeniabla rule,

*The people the best keepers of their own liberties.* that the people (that is, such as shall be suc-cessively chosen to represent the people) are the best keepers of their own liberties; and that for these following reasons.

*1st reason.* First, Because they never think of usurping over other mens rights, but mind which way to preserve their own: whereas, the case is far otherwise among kings and grandees, as all nations in the world have felt to some purpose; for they naturally move within the circle of domination, as in their proper center; and count it no less security than wisdom and policy, to brave it over the people. Thus Suetonius tells us, how Cæsar, Crassus, and another, *Societatem iniere, nequid ageretur in repub. quod displicuisset ulli e tribus*: “ Made a bargain between themselves, that nothing should

should be done in the Commonwealth that displeased either of them three." Such another triumvirate of grandees was that of Augustus, Lepidus, and Antony, who agreed to share the world between themselves ; and traced the same paths as the other did, to the top of worldly tyranny, over the ruins of their country's liberties : they saved and destroyed, depressed and advanced whom they pleased, with a wet finger. But whilst the government remained untouched in the people's hands, every particular man lived safe, (except the ambitious) and no man could be undone, unless a true and satisfactory reason were rendered to the world for his destruction.

Secondly, The people are best keepers of <sup>2d reason.</sup> their own liberty, because it is ever the people's care to see, that authority be so constituted, that it shall be rather a burthen than benefit to those that undertake it ; and be qualified with such slender advantages of profit or pleasure, that men shall reap little by the enjoyment. The happy consequence whereof is this, that none but honest, generous, and public spirits, will then desire to be in authority, and that only for the common good. Hence it was, that in the infancy of the Roman liberty, there was no canvassing of voices ; but single and plain hearted men were called, intreated, and in a manner forced with im-

portunity to the helm of government, in regard of that great trouble and pains that followed the employment. Thus Cincinnatus was fetch'd out of the field from his plow, and placed (much against his will) in the sublime dignity of dictator: so the noble Camillus, and Fabius, and Curius, were, with much ado, drawn from the recreation of gardening, to the trouble of governing: and the consul-year being over, they returned with much gladness again to their private employment.

3d reason.  
Succession  
in power  
is the  
grand pre-  
ventive  
of cor-  
ruption.

A third reason why the people in their supreme assemblies successively chosen, are the best keepers of their liberty, is, because as motion in bodies natural, so succession in civil, is the grand preventive of corruption. The truth of this will appear very clearly, if we weigh the effects of every standing authority from first to last in the Roman state: for whilst they were governed by a continued power in one and the same hands, the people were ever in danger of losing their liberty; sometimes in danger of being swallowed up by kingly aspirers, witness the design of Mælius, Manlius, and others; sometimes in danger of a surprize by a grandee cabinet or junta, who by contracting a particular interest, distinct from that which they had in common with the people, so ordered the matter in time, that partly by their own strength, and partly by

by advantage of power, to gratify and curb whom they pleased, and to wind in other counsels and parties to their own, they still brought the lesser into such subjection, that in the end they were forced all, either to yield to the pleasure of the grandees, or be broken by them. By these practices, they produced that upstart tyranny of the Decemviri, when ten men made a shift to enslave the senate, as well as the people. Lastly, by continuing power too long in the hands of particular persons, they were swallowed up by two triumvirates of emperors by turns, who never left pecking at one another, till Julius and Augustus, having beaten all competitors out of the field, subjected all to the will of a single emperor. If this were so among the Romans, how happy then is any nation, and how much ought they to joy in the wisdom and justice of their trustees, where certain limits and bounds are fixed to the powers in being, by a declared succession of the supreme authority in the hands of the people?

A fourth reason is, Because a succession of supreme powers doth not only keep them from corruption, but it kills that grand cankerworm of a Commonwealth, to wit, faction: for, as faction is an adhering to, and a promoting of an interest, that is distinct from the true and declared interest of state; so it is a matter of wealth, to wit, facti-

<sup>4th reason</sup>  
A suc-  
cession of  
supreme  
power  
kills that  
canker-  
worm of  
a Com-  
mon-  
wealth, to  
wit, facti-

## THE RIGHT CONSTITUTION

necessity, that those that drive it on must have time to improve their flights and projects, in disguising their designs, drawing in instruments and parties, and in worming out of their opposites. The effecting of all this, requires some length of time: therefore the only prevention is a due succession and revolution of authority in the hands of the people,

That this is most true, appears not only by reason, but by example: if we observe the several turns of faction in the Roman government. What made their kings so bold, as to incroach and tyrannize over the people, but the very same course that heightened our kings heretofore in England, to wit, a continuation of power in their own persons and families? Then, after the Romans became a Commonwealth, was it not for the same reason, that the senate fell into such heats and fits among themselves? Did not Appius Claudius, and his junta, by the same means, lord it over the senate? Whence was it, that Sylla and Marius caused so many proscriptions, cruelties, and combustions in Rome, but by an extraordinary continuation of power in themselves? How came it to pass likewise, that Julius Cæsar aspired, and in the end attained the empire? and, that the people of Rome quite lost their liberty; was it not by the same means? For, had not the senate and people so long protract-  
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ed the power of Pompey and Cæsar ; had Pompey had less command in Asia, and Cæsar less in Gallia, Rome might have stood much longer in the possession of her liberty.

After the death of Cæsar, it was probable enough, they might then have recovered their liberty, but that they ran again into the same error, as before : for by a continuation of power in the hands of Octavius, Lepidus, and Antony, the Commonwealth came to be rent and divided into three several factions ; two of which being worn out by each other, only Octavius remained ; who considering, that the title of Perpetual Dictator was the ruin of his father Julius, continued the government only for a set time, and procured it to be settled upon himself but for ten years. But what was the effect of this continuation of power ? Even this, that as the former protractings had been the occasions of faction, so this produced a tyranny : for, at the end of every ten years, he wanted no pretence to renew a lease of the government ; and by this means so played his cards, that at length he easily and utterly extinguished the small remains of the Roman freedom.

The observation then arising from hence, is this, that the only way for a people to preserve themselves in the enjoyment of their freedom, and to avoid those fatal inconvenien-

ces of faction and tyranny, is, to maintain a due and orderly succession of power and persons. This was, and is, good Commonwealths language ; and without this rule, it is impossible any nation should long subsist in a state of freedom. So that the wisdom, the piety, the justice, and the self-denial of those governors in free-states, is worthy of all honour and admiration, who have, or shall at any time as willingly resign their trusts, as ever they took them up ; and have so far denied themselves, as to prefix limits and bounds to their own authority. This was it that made Brutus so famous in the beginning of the Roman Commonwealth. For this also it was, that history hath left so reverend a remembrance of Scipio, Camillus, and Virginus ; as did Cato likewise of Pompey : whilst the ten grandee usurpers, with Sylla and Cæsar, and the names of others that practised the contrary, are left as odious upon the Roman record, as the name of Richard the third will be in our modern chronicle, to all posterity.

5th reason A succession of powers and persons is the only remedy against self-seeking. A fifth reason to prove the life of liberty lies in succession of powers and persons, is, because it is the only remedy against self-seeking, with all the powerful temptations and charms of self-interest : for the attaining of particular ends requires length of time, as well as the creating and promoting of a faction: both

both these designs must lie long in fermentation, or else they can never gain the beloved opportunity to bring matters to perfection. The truth of this appears likewise in the story of the Roman state: for, as long as all authority was confined within the walls of a standing senate, they being more studious of their own, than the common good, in a short time the Commonwealth was turned altogether into a private; insomuch, that the people became not only incapable of any honour and authority, but well-nigh reduced to flat beggary. Hence it was, that so many quarrels and combustions arose one after another: for, the great ones having made use of their time, in drawing all to themselves, the people were forced to live upon borrowing; and when they could borrow no longer, they fell into a general mutiny, and forsook the city: nor could they be pacified till all accounts were quitted; and then, with much ado, they were wrought upon with the eloquence of Menenius Agrippa, with his excellent fable of a mutiny in a natural body, among the members against the belly.

Thus, as the first insurrection was occasioned by the usury and exactions of the great ones; who by their long continuance in power had drawn all unto themselves: so the second was occasioned by the lordliness of those ten persons, who being elected to do justice, according

cording to the laws, made use of their time, only to confirm their power, and greateren themselves, by replenishing their own coffers, ingrossing of offices, and preferring their own kindred and alliances: and at length, improved self-interest so high, that they domineered, like absolute tyrants, advancing and depreffing whom they pleased, without respect of merit or insufficiency, vice or virtue; so that having secured all in their own hands, they over-ruled their fellow-senators at pleasure, as well as the people.

Many more instances of after-times might be given; but these are sufficient whereupon to ground this observation, that as the first founders of the Roman liberty did well in driving out their kings; so on the other side, they did very ill in settling a standing authority within themselves: for, by this means, lying open to the temptations of honour and profit, (which are sails too big for any human bulk) they were immediately swallowed up of self; and taking their rise from the opportunity of a continued power, made use of the public only to advance their private, whereby they put the Commonwealth into frequent flames of discontent and sedition; which might all have been prevented, could they have denied themselves at first, and settled the state free indeed, (as they ought to have done) by placing

ing an orderly succession of supreme authority in the hands of the people.

A sixth reason, why a free state is much more excellent than a government by grandees or kings; and, that the people are the best keepers of their own liberties, is, because, as the end of all government is (or ought to be) the good and ease of the people, in a secure enjoyment of their rights, without pressure and oppression: so questionless the people, who are most sensible of their own burthens, being once put into a capacity and freedom of acting, are the most likely to provide remedies for their own relief; they only know where the shoe wrings, what grievances are most heavy, and what future fences they stand in need of, to shelter them from the injurious assaults of those powers that are above them: and therefore it is but reason, they should see that none be interested in the supreme authority, but persons of their own election, and such as must in a short time return again into the same condition with themselves, to reap the same benefit or burthen, by the laws enacted, that befalls the rest of the people. Then the issue of such a constitution must needs be this, that no load shall be laid upon any, but what is common to all, and that always by common consent; not to serve the lusts of any, but only to supply the necessities of their country.

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The end of all government being the good and ease of the people, they best know where the shoe pinches.

But when it happens, that a supreme power long continues in the hands of any person or persons; they, by greatness of place, being seated above the middle region of the people, sit secure from all winds and weathers, and from those storms of violence that nip and terrify the inferior part of the world: whereas, if by a successive revolution of authority, they come to be degraded of their earthly godheads, and return into the same condition with other mortals, they must needs be the more sensible and tender of what shall be laid upon them. The strongest obligation that can be laid upon any man in publick matters, is, to see that he engage in nothing but what must either offensively or beneficially reflect upon himself: for as, if any be never so good a patriot, yet if his power be prolonged, he will find it hard to keep self from creeping in upon him, and prompting him to some extravagancies for his own private benefit; so, on the other side, if he be shortly to return to a condition common with the rest of his brethren, self-interest binds him to do nothing but what is just and equal; he himself being to reap the good or evil of what is done, as well as the meanest of the people.

This without controversy must needs be the most noble, the most just, and the most excellent way of government in free-states; without

without which, it is obvious to common sense, no nation can long continue in a state of freedom: as appears likewise by example out of the Roman story. For what more noble patriots were there ever in the world, than the Roman senators were, whilst they were kept under by their kings, and felt the same burthens of their fury, as did the rest of the people? but afterwards being freed from the kingly yoke, and having secured all power within the hands of themselves and their posterity, they at length fell into the same absurdities that had been before committed by their kings; so that this new yoke became more intolerable than the former. Nor could the people find any remedy, until they procured that necessary office of the tribunes; who being invested with a temporary authority by the people's election, remained the more sensible of their condition, and were as moderators between the power of the great ones, and the rights of the people.

What more excellent patriot could there be than Manlius, till he became corrupted by time and power? Who more noble, and courteous, and well-affected to the common good, than was Appius Claudius at first? but afterwards, having obtained a continuation of the government in his own hands, he soon lost his primitive innocency and integrity, and devoted himself to all the practices of an absolute tyrant.

rant. Many others might be reckoned up. And therefore hence it was, that when the senate (for some reasons) thought to continue Lucius Quintius in the consulship longer than the usual time; that gallant man utterly refused it, and chose rather to deny himself, than that a precedent so prejudicial to the Roman freedom should be made for his sake, by a prerogative of authority in his hands, beyond the ordinary custom.

*7th reason* A seventh reason why a people qualified with a due and orderly succession of their supreme assemblies, are the best keepers of their own liberties, is, because, as in other forms, those persons only have access to government, who are apt to serve the lust and will of the prince, or else are parties or compliers with some powerful faction: so in this form of government by the people, the door of dignity stands open to all (without exception) that ascend thither by the steps of worth and virtue: the consideration whereof hath this noble effect in free states, that it edges mens spirits with an active emulation, and raiseth them to a lofty pitch of design and action.

*In this government the door of dignity stands open to all that descend thither by the steps of worth and virtue*

The truth of this is very observable in the Roman state; for, during the vassalage of that people under kings, we read not of any notable exploits, but find them confined within a narrow compass, oppressed at home, and ever

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anon ready to be swallowed up by their enemies. After this government of kings was abolished, you know that of grandees in a standing senate was next erected ; under which form they made shift to enlarge their bounds a little : but the most they could then do, was only to secure themselves from the attempts of the banished Tarquins, and those petty neighbours that envied the small increase of their dominion. But at length, when the state was made free indeed, and the people admitted into a share and interest in the government, as well as the great ones ; then it was, and never till then, that their thoughts and power began to exceed the bounds of Italy, and aspire towards that prodigious empire. For, while the road of preferment lay plain to every man, no public work was done, nor any conquest made ; but every man thought he did and conquered all for himself, as long as he remained valiant and virtuous : it was not alliance, nor friendship, nor faction, nor riches, that could advance men ; but knowledge, valour, and virtuous poverty, was preferred above them all.

For the confirmation whereof, we find in the same story, how that many of their brave patriots and conquerors were men of the meanest fortune, and of so rare a temper of spirit, that they little cared to improve them, or enrich themselves by their public employment :

so that when they died, they were fain to be buried at the public charge. We find Cincinnatus, a man of mean fortune, fetch'd from the plough, to the dignity of a dictator : for he had no more than four acres of land, which he tilled with his own hands. Yet so it happened, that when the Roman consul with his whole army was in great peril, being circumvented and straitned by the Equuns, and the city of Rome itself in a trembling condition ; then, with one consent, they pitch'd upon Cincinnatus, as the fittest man for their deliverance : and he behaved himself so well, with so much magnanimity, integrity, and wisdom, that he relieved the consul, routed and utterly subdued the enemy, and gave as it were a new life to his country's liberties : which work being over, he with all willingness quitted his authority, and returned to the condition of a painful private life.

This example might seem strange, but that we know it was ordinary in that state, till it grew corrupt again ; for we read also, how Lucius Tarquin, (not of the tyrant's family) a man of mean fortune, yet of great worth, was chosen general of the horse, and drawn to it out of the country, in which place he surpassed all the Roman youth for gallant behaviour. Such another plain country-fellow was Attilius Regulus, the scourge of Carthage in his time ;

of whom many eminent points of bravery were recorded: as were also most of those heroic spirits that succeeded, down to the times of Lucius Paulus Emilius, by whose conquests, the first charms and enchantments of luxury were brought out of Asia to Rome, and there they soon swallowed up the remainders of primitive integrity and simplicity. And yet it is very observable also, that so much of the ancient severity was remaining still even in the time of this Paulus, the famous general, that a silver dish, that was part of the spoil, being given to a son in law of his, who had fought stoutly in that war, it was thought a great reward; and observed by the historian, to be the first piece of plate that was ever seen in the family.

This observation then arises from this discourse, that as Rome never thrived till it was settled in a freedom of the people; so that freedom was preserved, and that interest best advanced, when all places of honour and trust were exposed to men of merit, without distinction; which happiness could never be obtained, until the people were instated in a capacity of preferring whom they thought worthy, by a freedom of electing men successively into their supreme offices and assemblies. So long as this custom continued, and merit took place, the people made shift to keep and encrease

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their liberties: but when it lay neglected, and the stream of preferment began to run along with the favour and pleasure of particular powerful men, then vice and compliance making way for advancement, the people could keep their liberties no longer; but both their liberties and themselves were made the price of every man's ambition and luxury.

8th reason The eighth reason, why the people in their assemblies are the best keepers of their liberty, is, because it is they only that are concerned in the point of liberty: for whereas in other forms the main interest and concernment both of kings and grandees, lies either in keeping the people in utter ignorance what liberty is, or else in allowing and pleasing them only with the name and shadow of liberty instead of the substance: so in free-states the people being sensible of their past condition in former times, under the power of great ones, and comparing it with the possibilities and enjoyments of the present, become immediately instructed, that their main interest and concernment consists in liberty; and are taught by common sense, that the only way to secure it from the reach of great ones, is, to place it in the people's hands, adorned with all the prerogatives and rights of supremacy. The truth of it is, the interest of freedom is a virgin that every one seeks to deflower; and like a virgin, it must be

kept from any other form, or else (so great is the lust of mankind after dominion) there follows a rape upon the first opportunity. This being considered, it will easily be granted, that liberty must needs lie more secure in the people's than in any other's hands, because they are most concerned in it: and the careful eyeing of this concernment, is that which makes them both jealous and zealous; so that nothing will satisfy, but the keeping of a constant guard against the attempts and incroachments of any powerful or crafty underminers.

Hence it is, that the people having once tasted the sweets of freedom, are so extreamly affected with it, that if they discover, or do but suspect the least design to incroach upon it, they count it a crime never to be forgiven for any consideration whatsoever. Thus it was in the Roman state, where one gave up his children, another his brother to death, to revenge an attempt against common liberty: divers also sacrificed their lives, to preserve it; and some their best friends, to vindicate it upon bare suspicion; as in the cases of Mælius, and Manlius, and others, after manifest violation, as in the case of Cæsar.

Nor was it thus only in Rome; but we find also as notable instances of revenge in the free-people of Greece, upon the same occasion. But the most notable of all, is that which hap-

pened in the island of Corcyra, during the war of Peloponnesus : where the people having been rook'd of liberty by the flights and power of the grandees, and afterwards by the assistance of the free-states of Athens recovering it again, took occasion thereupon to clap up all the grandees, and chopped off ten of their heads at one time, in part of satisfaction for the injury : but yet this would not serve the turn ; for, some delay being made in executing of the rest, the people grew so enraged, that they ran, and pulled down the very walls, and buried them in the ruins and rubbish of the prison.

We see it also in the free state of Florence, where Cosmus the first founder of the Tuscan-tyranny, having made shipwreck of their liberty, and seized all into his own hands ; though he enslaved their bodies, yet he could not subdue their hearts, nor wear their past liberty out of memory ; for upon the first opportunity, they fought revenge, and a recovery ; forcing him to fly for the safety of his life : and though afterwards he made way for his return and re-establishment by treachery, yet now after so long a time, the old freedom is fresh in memory, and would shew itself again upon a favourable occasion.

But of all modern instances, the most strange is that of the land of Holstein ; which being deprived

deprived of liberty, and about seventy years since made a dutchy, and an appendix to the crown of Denmark ; though the inhabitants be but a boorish, poor, silly generation, yet still they retain a sense of indignation at the loss of their liberty ; and being given to drink, the usual compliment in the midst of their cups, is this, " Here is a health to the remembrance of our liberty."

Thus you see what an impression the love of freedom makes in the minds of the people : so that it will be easily concluded, they must be the best keepers of their own liberties ; being more tender and more concerned in their security, than any powerful pretenders whatsoever.

The ninth reason to justify a free-state, is, <sup>9th reason</sup> because in free-states the people are less luxu- The go-  
vernment  
of a free-  
state is  
less luxu-  
rious,  
than  
that of  
kings or  
grandees. rious, than kings or grandees use to be. Now, this is most certain, that where luxury takes place, there is as natural a tendency to tyranny, as there is from the cause to the effect : for, you know the nature of luxury lies altogether in excess. It is a universal depravation of manners, without reason, without moderation ; it is the canine appetite of a corrupt will and phantasy, which nothing can satisfy ; but in every action, in every imagination, it flies beyond the bounds of honesty, just, and good, into all extremity : so that it

will easily be granted, that form of government must needs be the most excellent, and the people's liberty most secured, where governors are least exposed to the baits and snares of luxury.

The evidence of this may be made out, not only by reason, but by examples old and new. And first, by reason, it is evident, that the people must needs be less luxurious than kings or the great ones, because they are bounded within a more lowly pitch of desire and imagination: give them but *panem & circenses*; bread, sport and ease, and they are abundantly satisfied. Besides, the people have less means and opportunities for luxury, than those pompous standing powers, whether in the hands of one or many: so that were they never so much inclined to vice or vanity, yet they are not able to run on to the same measure of excess and riot. Secondly, as it appears they are less luxurious; so, for this cause also, it is clear, they (that is, their successive representatives) must be the best governors; not only, because the current of succession keeps them the less corrupt and presumptuous; but also, because, being the more free from luxurious courses, they are likewise free from those oppressive and injurious practices, which kings and grandees are most commonly led and forced unto, to hold up the port and splendor of their tyranny, and to satisfy those

those natural appetites of covetousness, pride, ambition and ostentation, which are the perpetual attendants of great ones, and luxury. Thus much for reason.

Now, for example, we might produce a cloud of instances, to shew, that free-states, or the people duly qualified with the supreme authority, are less devoted to luxury, than the grandee or kingly powers: but we shall give you only a few.

The first that comes in our way is the state of Athens, which, whilst it remained free in the people's hands, was adorned with such governors as gave themselves up to a serious, abstemious, severe course of life; so that whilst Temperance and Liberty walked hand in hand, they improved the points of valour and prudence so high, that in a short time they became the only arbitrators of all affairs in Greece. But being at the height, then (after the common fate of all worldly powers,) they began to decline; for (contrary to the rules of a free-state) permitting some men to greateren themselves, by continuing long in power and authority, they soon lost their pure principles of severity and liberty: for, up started those thirty grandees, (commonly called the tyrants) who having usurped a standing authority unto themselves, presently quitted the old discipline and freedom, gave up themselves first to charms of

luxury, and afterwards to all the practices of an absolute tyranny. Such also was the condition of that state, when at another time (as in the days of Pisistratus) it was usurp'd in the hands of a single tyrant.

From Athens let us pass to Rome, where we find it in the days of Tarquin, dissolved into debauchery. Upon the change of government, their manners were somewhat mended, as were the governors in the senate: but that being a standing power, soon grew corrupt; and first let in luxury, then tyranny, till the people being interested in the government, established a good discipline and freedom both together; which was upheld with all severity, till the ten grandees came in play; after whose deposition, liberty and sobriety began to breathe again, till the days of Sylla, Marius, and other grandees that followed down to Cæsar, in whose time luxury and tyranny grew to such a height, that unless it were in the life and conversation of Cato, there was not so much as one spark, that could be raked out of the ashes, of the old Roman discipline and freedom; so that of all the world, only Cato remained as a monument of that temperance, virtue and freedom, which flourished under the government of the people.

Omitting many other examples, our conclusion upon these particulars shall be this,  
That

That since the grandee or kingly powers are ever more luxurious than the popular are, or can be; and since luxury ever brings on tyranny, as the only bane of liberty; certainly the rights and privileges of the people, placed and provided for, in a due and orderly succession of their supreme assemblies, must needs remain more secure in their own hands, than in any others whatsoever.

A tenth reason, to prove the excellency of a <sup>10th rea-</sup>  
 free-state or government by the people, above <sup>son.</sup>  
 any other form of government, is, because under <sup>In a free-</sup>  
 this government, the people are ever indued <sup>state, the</sup>  
 with a more magnanimous, active, and noble <sup>people are</sup>  
 temper of spirit, than under the grandeur of <sup>magnan-</sup>  
 any standing power whatsoever. <sup>and va-</sup>  
 And this <sup>liant.</sup>  
 arises from that apprehension which every par-  
 ticular man hath of his own immediate share  
 in the public interest, as well as of that se-  
 curity which he possesses in the enjoyment of  
 his private fortune, free from the reach of any  
 arbitrary power, Hence it is, that whensoever  
 any good success or happiness betides the pub-  
 lic, every one counts it his own: if the com-  
 monwealth conquer, thrive in dominion, wealth  
 or honour, he reckons all done for himself; if  
 he sees distributions of honour, high offices,  
 or great rewards, to valiant, virtuous, or learn-  
 ed persons, he esteems them as his own, as  
 long as he hath <sup>a door left open to succeed in</sup>  
 the

the same dignities and enjoyments, if he can attain unto the same measure of desert. This it is which makes men aspire unto great actions, when the reward depends not upon the will and pleasure of particular persons, as it doth under all standing powers ; but is conferred upon men (without any consideration of birth or fortune) according to merit, as it ever is, and ought to be in free-states, that are rightly constituted.

The truth of this will appear much more evident, if you list a little to take a view of the condition of people, under various forms of government : for, the Romans of old, while under kings, (as you heard before) remained a very inconsiderable people, either in dominion or reputation ; and could never enlarge their command very far beyond the walls of their city. Afterwards, being reduced unto that standing power of the senate, they began to thrive a little better, and, for a little time : yet all they could do, was only to struggle for a subsistence among bad neighbours. But at length, when the people began to know, claim, and possess their liberties in being governed by a succession of their supreme officers and assemblies ; then it was, and never till then, that they laid the foundation, and built the structure of that wondrous empire that overshadowed the whole world. And truly the founding of it must needs be more wonderful, and

and a great argument of an extraordinary courage and magnanimity, wherewith the people was indued in recovery of liberty; because their first conquests were laid in the ruin of mighty nations, and such as were every jot as free as themselves: which made the difficulties so much the more, by how much the more free (and consequently, the more courageous) they were, against whom they made opposition; for as in those days the world abounded with free-states, more than any other form, as all over Italy, Gallia, Spain, and Africa, &c. so specially in Italy, where the Tuscans, the Samnites, and other emulators and competitors of the Roman freedom, approved themselves such magnanimous defenders of their liberty against Rome, that they endured wars so many years with utmost extremity, before ever they could be brought to bow under the Roman yoke. This magnanimous state of freedom was the cause also why Carthage was enabled so long, not only to oppose, but often to hazard the Roman fortune, and usurp the laurel. It brought Hannibal within view, and the Gauls within the walls of the city, to a besieging of the Capitol; to shew, that their freedom had given them the courage to rob her of her maiden-head, who afterwards became mistress of the whole world. But what serves all this for, but only to shew, that as nothing but a state of freedom could

could have enabled those nations with a courage sufficient so long to withstand the Roman power: so Rome herself also was beholden to this state of freedom, for those sons of courage which brought the necks of her sister-states and nations under her girdle? And it is observable also in after times, when tyranny took place against liberty, the Romans soon lost their ancient courage and magnanimity; first under usurping dictators, then under emperors, and in the end the empire itself.

Now, as on the one side, we feel a loss of courage and magnanimity, follow the loss of freedom: so, on the other side, the people ever grow magnanimous and courageous upon a recovery; witness at present, the valiant Swisses, the Hollanders, and not long since, our own nation, when declared a free-state, and a re-establishment of our freedom in the hands of the people procured, (though not secured) what noble designs were undertaken and prosecuted with success? The consideration whereof, must needs make highly for the honour of all governors in free-states, who have been, or shall be instrumental in redeeming and setting any people in a fulness of freedom, that is, in a due and orderly succession of their supreme assemblies.

11th rea-  
son.  
No deter-  
minations

The eleventh reason is, because in this form no determinations being carried, but by consent

sent of the people ; therefore they must needs are car-  
remain secure out of the reach of tyranny, and ried but  
free from the arbitrary disposition of any com- sent of the  
manding power. In this case, as the people people.  
know what laws they are to obey, and what  
penalties they are to undergo, in case of trans-  
gression ; so having their share and interest in  
the making of laws, with the penalties annex-  
ed, they become the more inexcusable if they  
offend, and the more willingly submit unto  
punishment when they suffer for any offence.  
Now the case is usually far otherwise, under  
all standing powers : for, when government is  
managed in the hands of a particular person,  
or continued in the hands of a certain number  
of great men, the people then have no laws  
but what kings and great men please to give :  
nor do they know how to walk by those laws,  
or how to understand them, because the sense  
is oftentimes left at uncertainty ; and it is  
reckoned a great mystery of state in those forms  
of government, that no laws shall be of any  
sense or force, but as the great ones please to  
expound them : so as by this means, the peo-  
ple many times are left as it were without  
law, because they bear no other construction  
and meaning, but what suits with particular  
mens interests and phantasies ; not with right  
reason, or the public liberty.

For the proof of this under kingly govern-  
ment,

ment, we might run all the world over ; but our own nation affords instances enough in the practices of all our kings : yet this evil never came to such a height, as it did in the reign of Henry the seventh, who by usurping a prerogative of expounding the laws after his own pleasure, made them rather snares, than instruments of relief, (like a grand catch-pole) to pill, poll, and geld the purses of the people ; as his son Harry did after him, to deprive many gallant men both of their lives and fortunes. For, the judges being reputed the oracles of the law, and the power of creating judges being usurp'd by kings, they had a care ever to create such, as would make the laws speak in favour of them, upon any occasion. The truth whereof hath abundantly appeared in the days of the late king, and his father James, whose usual language was this : “ As long as I have power of making what judges and bishops I please, I am sure to have no law nor gospel but what shall please me.”

This very providing for this inconvenience, was the great commendation of Lycurgus his institution in Sparta ; who, though he cut out the Lacedemonian Commonwealth after the grande fashion, confirming the supremacy within the walls of the senate, (for their king was but a cypher) yet he so ordered the matter, that he took away the grandeur ; that as their

their king was of little more value than any one of the senators ; so the senate was restrained by laws, walking in the same even pace of subjection with the people ; having very few offices of dignity or profit allowed, which might make them swell with state and ambition ; but were prescribed also the same rules of frugality, plainness, and moderation, as were the common people : by which means immoderate lusts and desires being prevented in the great ones, they were the less inclined to pride and oppression ; and no great profit or pleasure being to be gotten by authority, very few desired it ; and such as were in it, sat free from envy, by which means they avoided that odium and emulation which uses to rage betwixt the great ones and the people in that form of government.

But now the case is far otherwise in the Commonwealth of Venice, where the people being excluded from all interest in government, the power of making and executing of laws, and bearing of offices, with all other immunities, lies only in the hands of a standing senate, and their kindred, which they call the Patrocian, or noble order. Their duke, or prince, is indeed restrained, and made just such another officer as were the Lacedemonian kings ; differing from the rest of the senate, only in a corner of his cap, besides a little outward

ward ceremony and splendor: but the senators themselves have liberty at random, arbitrarily to ramble, and do what they please with the people: who excepting the city itself, are so extreamly oppressed in all their territories, living by no law but the arbitrary dictates of the senate, that it seems rather a junta, than a Commonwealth; and the subjects take so little content in it, that seeing more to be enjoyed under the Turk, they that are his borderers take all opportunities to revolt, and submit rather to the mercy of a pagan-tyranny. Which disposition if you consider, together with the little courage in their subjects, by reason they press them so hard; and how that they are forced, for this cause, to rely upon foreign mercenaries in all warlike expeditions, you might wonder how this state hath held up so long; but that we know the interest of Christendom, being concerned in her security, she hath been chiefly supported by the supplies and arms of others.

Therefore our conclusion shall be this, That since kings, and all standing powers, are so inclinable to act according to their own wills and interests, in making, expounding, and executing of laws to the prejudice of the people's liberty and security: and seeing the only way to prevent arbitrariness, is, that no laws or dominations whatsoever should be made, but by

by the people's consent and election : therefore it must of necessity be granted that the people are the best keepers of their own liberties, being settled in a due and orderly succession of their supreme assemblies.

A twelfth reason is, because this form is <sup>12th reason.</sup> most suitable to the nature and reason of mankind : for, as Cicero saith, " Man is a noble creature, born with affections to rule; rather than obey ; there being in every man a natural appetite or desire of principality." And therefore the reason why one man is content to submit to the government of another, is, not because he conceives himself to have less right than another to govern ; but either because he finds himself less able, or else because he judgeth it will be more convenient for himself, and that community whereof he is a member, if he submits unto another's government. *Nemini parere vult animus a natura bene informatus, nisi,* &c. saith the same Cicero : that is to say, in honest English, " A mind well instructed by the light of nature, will pay obédience unto none but such as command, direct, or govern, for its good and benefit." From both which passages and expressions of that oracle of human wisdom, these three *inferences* do naturally arise : first, that by the light of nature people are taught to be their own carvers and contrivers, in the framing of that government un- A free-state is most suitable to the nature and reason of mankind.

der which they mean to live. Secondly, that none are to preside in government, or sit at the helm, but such as shall be judged fit, and chosen by the people. Thirdly, that the people are the only proper judges of the convenience or inconvenience of a government when it is erected, and of the behaviour of governors after they are chosen: which three deductions appear to be no more, but an explanation of this most excellent maxim, That the original and fountain of all just power and government is in the people.

This being so, that a free-state-government by the people, that is, by their successive representatives, or supreme assemblies, duly chosen, is most natural, and only suitable to the reason of mankind; then it follows, that the other forms, whether it be of a standing power in the hands of a particular person, as a king; or of a set number of great ones, as in a senate, are besides the dictates of nature, being meer artificial devices of great men, squared out only to serve the ends and interests of avarice, pride and ambition of a few, to a vassalizing of the community. The truth whereof appears so much the more, if we consider, that a consent and free election of the people, which is the most natural way and form of governing, hath no real effect in the other forms; but is either supplanted by craft and

and custom, or swallowed up by a pernicious pretence of right (in one or many) to govern, only by virtue of an hereditary succession. Now certainly, were there no other argument to prove the excellency of government by the people, &c. beyond the other forms ; yet this one might suffice, that in the people's form, men have liberty to make use of that reason and understanding God hath given them, in chusing of governors, and providing for their own safety in government : but in the other forms of a standing power, all authority being entailed to certain persons and families, in a course of inheritance, men are always deprived of the use of their reason about choice of governors, and forced to receive them blindly, and at all adventure : which course being so destructive to the reason, common interest, and majesty of that noble creature, called man, that he should not in a matter of so high consequence as government, (wherein the good and safety of all is concerned) have a freedom of choice and judgment, must needs be the most irrational and brutish principle in the world, and fit only to be hiffed out of the world, together with all forms of standing power (whether in kings, or others) which have served for no other end, but to transform men into beasts, and mortified mankind with misery through all generations.

The truth of this is evident all the world over ; first, by sad examples of monarchy : for the kingly form having been retained in a course of inheritance, men being forced to take what comes next for a governor, whether it be male or female, a wise man or a fool, good or bad ; so that the major part of hereditary princes have been tyrannous and wicked by nature, or made so by education and opportunity : the people have been for the most part bandied to and fro, with their lives and fortunes, at the will and pleasure of some one single unworthy fellow, who usually assumes the greater confidence in his unrighteous dealing, because he knows the people are tied in that form to him and his, though he practise all the injustice in the world. This was it that brought on tyranny in Rome, first under their kings, afterwards under emperors : for it is to be observed out of the story, that all those emperors which ruled by right of inheritance, proved most of them no better than savage beasts, and all of them wicked, except Titus. 'Tis true indeed, that a nation may have some respite, and recruit now and then, by the virtue and valour of a single prince ; yet this is very rare ; and when it doth happen, it usually lasts no longer than for his life, because his son or successor (for the most part) proves more weak or vicious than himself was virtuous, as you

you may see in the several lists of kings throughout Great Britain, France, Spain, and all the world. But this is not all the inconvenience, that hereditary princes have been, and are for the most part wicked in their own persons: for, as great inconveniences happen by their being litigious in their titles; witness the bloody disputes between the princes of the blood in France, as also in England, between the two houses of York and Lancaster; to which many more might be reckoned out of all other kingdoms; which miseries the people might have avoided, had they not been tied to one particular line of succession. Therefore, if any kingly form be tolerable, it must be that which is by election, chosen by the people's representatives, and made an officer of trust by them, to whom they are to be accountable. And herein, as kings are only tolerable upon this account, as elective; so these elective kings are as intolerable upon another account, because their present greatness gives them opportunity ever to practise such flights, that in a short time, the government that they received only for their own lives, will become entailed upon their families; whereby the people's election will be made of no effect further, than for fashion, to mock the poor people, and adorn the triumphs of an aspiring tyranny; as it hath been seen in the elective kingdoms

of Bohemia, Poland, Hungary, and Sweden, where the forms of election were, and are still retained ; but the power swallowed up, and the kingdoms made hereditary ; not only in Sweden, by the artifice of Gustavus Ericus ; but also in Poland, and the Empire ; where the people's right of election was soon eaten out by the cunning of the two families of Casimir and Austria.

Let this serve to manifest, that a government by a free election and consent of the people, settled in a due and orderly succession of their supreme assemblies, is more consonant to the light of nature and reason ; and consequently much more excellent than any hereditary standing power whatsoever. To take off all mis-constructions ; when we mention the people, observe all along, that we do not mean the confused promiscuous body of the people, nor any part of the people who have forfeited their rights by delinquency, neutrality, or apostacy, &c. in relation to the divided state of any nation ; for they are not to be reckoned within the lists of the people.

13th reason.  
In this govern-  
ment there are  
fewer oppor-  
tunities of op-  
pression

The thirteenth reason, to prove the excellency of a free-state above any other form, is, because in free-states there are fewer opportunities of oppression and tyranny, than in the other forms. And this appears, in that it is ever the care of free-commonwealths, for the most

most part, to preserve, not an equality, (which and ty-  
were irrational and odious) but an equability ranney,  
of condition among all the members; so that than un-  
no particular man or men shall be permitted der any o-  
to grow over-great in power; nor any rank of ther form.  
men be allowed above the ordinary standard,  
to assume unto themselves the state and title of  
nobility.

The observation of the former secures the people's liberty from the reach of their own officers, such as being entrusted with the affairs of high trust and employment, either in camp and council, might perhaps take occasion thereby to aspire beyond reason, if not restrained and prevented.

The observation of the latter secures the people from the pressures and ambition of such petty tyrants, as would usurp and claim a prerogative, power, and greatness above others, by birth and inheritance. These are a sort of men not to be endured in any well-ordered commonwealth; for they always bear a natural and implacable hate towards the people, making it their interest to deprive them of their liberty; so that if at any time it happen, that any great man or men whatsoever, arrive to so much power and confidence, as to think of usurping, or to be in a condition to be tempted thereunto; these are the first that will set them on, mingle interests with them, and be-

come the prime instruments in heaving them up into the seat of tyranny.

For the clearing of these truths ; and first, to manifest the inconvenience of permitting any persons to be over-great in any state ; and that free-states that have not avoided it, have soon lost their liberty, we shall produce a file of examples. In Greece we find, that the free-state of Athens lost its liberty upon that account once, when they suffered certain of the senators to over-top the rest in power ; which occasioned that multiplied tyranny, made famous by the name of the thirty tyrants : at another time, when by the same error they were constrained, through the power of Pisistratus, to stoop unto his single tyranny.

Upon this score also, the people of Syracuse had the same misfortune under the tyrant Hiero, as had they of Sicily, under Dionysius and Agathocles.

In Rome also the case is the same too : for during the time that liberty was included within the senate, they gave both Mælius and Manlius an opportunity to aspire, by permitting them a growth of too much greatness : but by good fortune escaping their clutches, they afterwards fell as foolishly into the hands of ten of their fellow-senators, called the Decemviri, in giving them so much power as tempted them unto tyranny. Afterwards, when

when the people scuffled, and made a shift to recover their liberty out of the hands of the senate, they committed the same error too, by permitting of their servants to grow over-great; such as Sylla, who by power tyrannized and made himself dictator for five years, as Cæsar afterwards settled the dictatorship upon himself for ever; and after Cæsar's death, they might have recovered their liberty again, if they had taken care (as they might easily have done) to prevent the growing greatness of Augustus, who gaining power first, by the courtesy and good will of the senate and people, made use of it to establish himself in a tyranny, which could never after be extinguished, but in the ruin of the Roman empire itself.

Thus also the free-state of Florence foolishly ruined itself by the greatness of Cosmus; first, permitting him to ingross the power, which gave him opportunity to be a tyrant; and then as foolishly forcing him to declare himself a tyrant, by an unseasonable demand of the power back out of his hands. Many more instances might be fetched out of Milan, Switzerland, and other places: but we have one nearer home, and of a later date, in Holland; whereby, permitting the family of Orange to greater a little more than be seemed a member of a free state, they were insensibly reduced

reduced to the last cast, to run the hazard of the loss of their liberty.

Therefore one prime principle of state, is, to keep any man, though he have deserved never so well by good success or service, from being too great or popular: it is a notable means (and so esteemed by all free-states) to keep and preserve a commonwealth from the rapes of usurpation.

14<sup>th</sup> rea-  
son.

In this  
form all  
powers  
are ac-  
countable  
for misde-  
meanors  
in go-  
vern-  
ment.

A fourteenth reason, (and though the last, yet not the least) to prove a free-state or government by the people, settled in a due and orderly succession of their supreme assemblies, is much more excellent than any other form, is, because in this form, all powers are accountable for misdemeanors in government, in regard of the nimble returns and periods of the people's election: by which means, he that ere-while was a governor, being reduced to the condition of a subject, lies open to the force of the laws, and may with ease be brought to punishment for his offence; so that, after the observation of such a course, others which succeed will become the less daring to offend, or to abuse their trust in authority, to an oppression of the people. Such a course as this, cuts the very throat of all tyranny; and doth not only root it up when at full growth, but crusheth the cockatrice in the egg, destroys it in the seed, in the principle, and in the very possibilities

possibilities of its being for ever after. And as the safety of the people is the sovereign and supreme law ; so an establishment of this nature is an impregnable bulwark of the people's safety, because without it, no certain benefit can be obtained by the ordinary laws ; which if they should be dispensed by uncontroulable, unaccountable persons in power, shall never be interpreted but in their own sense ; nor executed but after their own wills and pleasure.

Now this is most certain, that as in the government of the people, the successive revolution of authority by their consent hath ever been the only bank against inundations of arbitrary power and tyranny ; so on the other side, it is as sure, that all standing powers have and ever do assume unto themselves an arbitrary exercise of their own dictates at pleasure, and make it their only interest to settle themselves in an unaccountable state of dominion : so that, though they commit all the injustice in the world, their custom hath been still to persuade men, partly by strong pretence of argument, and partly by force, that they may do what they list ; and that they are not bound to give an account of their actions to any but to God himself. This doctrine of tyranny hath taken the deeper root in men's minds, because the greatest part was ever inclined to adore the golden

golden idol of tyranny in every form : by which means the rabble of mankind being prejudiced in this particular, and having placed their corrupt humour or interest in base fawning, and the favour of present great ones, therefore if any resolute spirit happen to broach and maintain true principles of freedom, or do at any time arise to so much courage, as to perform a noble act of justice, in calling tyrants to an account, presently he draws all the enmity and fury of the world about him. But in commonwealths it is and ought to be otherwise ; for, in the monuments of the Grecian and Roman freedom, we find, those nations were wont to heap all the honours they could invent, by public rewards, consecration of statues, and crowns of laurel, upon such worthy patriots : and as if on earth all were too little, they inrolled them in heaven among the deities. And all this they did out of a noble sense of commonweal-interest ; knowing that the life of liberty consists in a strict hand, and zeal against tyrants and tyranny, and by keeping persons in power from all the occasions of it : which cannot be better done, than (according to the custom of all states that are really free) by leaving them liable to account : which happiness was never seen yet under the sun, by any law or custom established, save only in those states, where all

men are brought to taste of subjection as well as rule, and the government settled by a due succession of authority, by consent of the people.

In Switzerland the people are free indeed, because all officers and governors in the cantons, are questionable by the people in their successive assemblies.

The inference from the foregoing particulars, is easy, That since freedom is to be preserved no other way in a commonwealth, but by keeping officers and governors in an accountable state ; and since it appears no standing powers can ever be called to an account without much difficulty, or involving a nation in blood or misery. And since a revolution of government in the people's hands hath ever been the only means to make governors accountable, and prevent the inconveniences of tyranny, distraction, and misery ; therefore for this, and those other reasons foregoing, we may conclude, that a free state, or government by the people, settled in a due and orderly succession of their supreme assemblies, is far more excellent every way than any other form whatsoever.

*Bold!*

ALL

# O B J E C T I O N S

A G A I N S T T H E

## GOVERNMENT of the PEOPLE

A N S W E R E D.

**C**onsidering, that in times past, the people of this nation were bred up and instructed in the brutish principles of monarchy, by which means they have been the more averse from entertaining notions of a more noble form: and rememboring, that not long since we were put into a better course, upon the declared interest of a free-state, or commonwealth; I conceived nothing could more highly tend to the propagation of that good interest, and the honour of its founders, than to manifest the inconveniences and ill consequences of the other forms; and so to root up their principles, that the good people, who but the other day were invested in the possession of a more excellent way, may (in order to their re-establishment) understand what commonwealth-

commonwealth-principles are ; and thereby become the more resolute to defend them against the common enemy ; learn to be true commonwealth's-men, and zealous against monarchic-interest, in all its appearances and incroachments whatsoever. To this end we have set down our position, that a free-state, or government by the people, settled in a due and orderly succession of their supreme assemblies, is the most excellent form of government ; which (I humbly conceive) hath been sufficiently proved, both by reason and example : but because many pretences of objection are in being, and such as by many are taken for granted ; therefore it falls in of course, that we may refute them : which being done with the same evidence of reason and example, I doubt not but it will stop all the mouths, not only of ignorance, but even of malice and flattery, which have presumed to prophane that pure way of a free-state, or government by the people.

That objection of royalists, and others, which we shall first take notice of, is this, that the erecting of such a government would be to set on levelling and confusion.

For answer, if we take levelling in the common usage and application of the term in these days, it is of an odious signification, as if it levelled all men in point of estates, made all things

A free-state the only preservative against levelling, and confusion of propriety.

things common to all, destroyed propriety, introduced a community of enjoyments among men ; which is a scandal fastened by the cunning of the common enemy upon this kind of government, which they hate above all others ; because, were the people once put in possession of their liberty, and made sensible of the great benefits they may reap by its enjoyment, the hopes of all the royal sticklers would be utterly extinct, in regard it would be the likeliest means to prevent a return of the interest of monarchy ; for no person or parties seeking or setting up a private interest of their own, distinct from the public, it will stop the mouths of all gainsayers. But the truth is, this way of free-state, or government by the people in their successive assemblies, is so far from introducing a community, that it is the only preservative of propriety in every particular : the reasons whereof are plain ; for, as on the one side, it is not in reason to be imagined, that so choice a body, as the representative of a nation, should agree to destroy one another in their several rights and interests : on the other side, all determinations being carried in this form by common consent, every man's particular interest must needs be fairly provided for, against the arbitrary disposition of others ; therefore, whatever is contrary to this, is levelling indeed ; because it placeth every man's right

tight under the will of another, and is no less than tyranny ; which seating itself in an unlimited uncontrollable prerogative over others without their consent, becomes the very bane of propriety ; and however disquieted, or in what form soever it appears, is indeed the very interest of monarchy.

Now that a free-state, or successive government of the people, &c. is the only preservative of propriety, appears by instances all the world over ; yet we shall cite but a few.

Under monarchs, we shall find ever, that the subjects had nothing that they could call their own ; neither lives, nor fortunes, nor wives, nor any thing else that the monarch pleased to command, because the poor people knew no remedy against the levelling will of an unbounded sovereignty ; as may be seen in the records of all nations that have stooped under that wretched form : whereof we have also very sad examples in France, and other kingdoms, at this very day, where the people have nothing of propriety ; but all depends upon the royal pleasure, as it did of late here in England. Moreover, it is very observable, that in kingdoms where the people have enjoyed any thing of liberty and propriety, they have been such kingdoms only, where the frame of government hath been so well tempered, as that the best share of it

*Extreme impudence*

hath been retained in the people's hands ; and by how much the greater influence the people have had therein, so much the more sure and certain they have been, in the enjoyment of their property.

To pass by many other instances, consider how firm the Arragonians were in their liberties and properties, so long as they held their hold over their kings in their supreme assemblies ; and no sooner had Philip the Second deprived them of their share in the government, but themselves and their properties became a prey (and have been ever since) to the will and pleasure of their kings.

The like also may be said of France, where, as long as the people's interest bore sway in their supreme assemblies, they could call their lives and fortunes their own, and no longer : for, all that have succeeded since Lewis the Eleventh, followed his levelling pattern so far, that in short time they destroyed the people's property, and became the greatest levelers in Christendom. We were almost at the same pass here in England : for, as long as the people's interest was preserved by frequent and successive parliaments ; so long we were in some measure secure of our properties : but as kings began to worm the people out of their share in government, by discontinuing of parliaments : so they carried on their leveling

ling design, to the destroying of our properties ; and had by this means brought it so high, that the oracles of the law and gospel spake it out with a good levelling grace, “ That all was the king’s, and that we had nothing we might call our own.”

never

Thus you see how much levelling, and little of property, the people have had certain under monarchs ; and if any at all, by what means, and upon what terms they have had it. Nor hath it been thus only under kings ; but we find, the people have ever had as little of property secure, under all other forms of standing powers ; which have produced as errant levellers in this particular, as any of the monarchies. In the free-state of Athens, as long as the people kept free indeed, in an enjoyment of their successive assemblies, so long they were secure in their properties, and no longer. For, to say nothing of their kings, whose history is very obscure, we find, after they were laid aside, they erected another form of standing power, in a single person, called a governor, for life ; who was also accountable for misdemeanors : but yet a trial being made of nine of them, the people saw so little security by them, that they pitched upon another standing form of decimal government ; and being oppressed by them too, they were cashier’d. The like miseries they tasted un-

*False.* —

der the standing power of thirty, which were a sort of levellers more rank than all the rest ; who put to death, banished, pill'd, and poll'd whom they pleased, without cause or exception ; so that the poor people having been tormented under all the forms of standing power, were in the end forced (as their last remedy) to take sanctuary under the form of a free-state, in their successive assemblies.

And though it may be objected, that afterwards they fell into many divisions and miseries, even in that form : yet whoever observes the story, shall find, it was not the fault of the government, but of themselves, in swerving from the rules of a free-state, by permitting the continuance of power in particular hands ; who having an opportunity thereby to create parties of their own among the people, did for their own ends, inveigle, engage, and entangle them in popular tumults and divisions. This was the true reason of their miscarriages. And if ever any government of the people did miscarry, it was upon that account.

Thus also the Lacedemonians, after they had for some years tried the government of one king, then of two kings at once of two distinct families ; afterwards came in the Ephori, as supervisors of their kings ; after (I say) they had tried themselves through all the

the forms of a standing power, and found them all to be levellers of the people's interest and property, then necessity taught them to seek shelter in a free-state, under which they lived happily, till by a forementioned error of the Athenians, they were drawn into parties by powerful persons, and so made the instruments of division among themselves, for the bringing of new levellers into play ; such as were Manchanidas and Nabis, who succeeded each other in a tyranny.

In old Rome, after the standing form of kings was extinct, and a new one established, the people found as little of safety and property as ever : for, the standing senate, and the Decemviri, proved as great levellers as kings : so that they were forced to settle the government of the people by a due and orderly succession of their supreme assemblies. Then they began again to recover their property, in having somewhat they might call their own ; and they happily enjoyed it, till, as by the same error of the Lacedemonians and Athenians, swerving from the rules of a free-state, lengthning of power in particular hands, they were drawn and divided into parties, to serve the lusts of such powerful men as by craft became their leaders : so that by this means (through their own default) they were depri-

ved of their liberty long before the days of imperial tyranny. Thus Cinna, Sylla, Marius, and the rest of that succeeding gang, down to Cæsar, used the people's favour, to obtain a continuation of power in their own hands; and then having saddled the people with a new standing form of their own, they immediately rooted up the people's liberty and property, by arbitrary sentences of death, proscriptions, fines, and confiscations: which strain of levelling, (more intolerable than the former) was maintained by the same arts of devilish policy down to Cæsar; who striking in a favourite of the people, and making use of their affections to lengthen power in his own hands; at length, by this error of the people, gained opportunity to introduce a new levelling form of standing power in himself, to an utter and irrecoverable ruin of the Roman liberty and property.

In Florence they have been in the same case there, under every form of standing power. It was so, when the great ones ruled: it was so under Goderino, it was so under Savanarola the monk. When they once began to lengthen power by the people's favour, they presently fell to levelling and domineering, as did Cosmus afterwards, that crafty founder of the present dukedom.

Upon

Upon the same terms, the republic of Pisa lost themselves, and became the prey of several usurpations.

Mantua was once a free city of the empire; but neglecting their successive assemblies, and permitting the great ones, and most wealthy, to form a standing power in themselves: the people were so vexed with them, that one Pafferimo getting power in his own hands, and then lengthening it by artifice, turned leveller too, subjecting all to his own will; so that the poor people, to rid their hands of him, were forced to pitch upon another, as bad, and translate their power into a petty dukedom, in the hands of the family of Gonzaga.

We may from hence safely conclude against all objecting monarchs and royalists, of what name and title soever, that a free-state or commonwealth by the people in their successive assemblies is so far from levelling or destroying property, that in all ages it hath been the only preservative of liberty and property, and the only remedy against the levelings and usurpations of standing powers: for, it is clear, that kings and all standing powers are the levellers.

A second objection in the mouths of many, is this, "that the erecting of such a form in the people's hands, were the ready way to

cause confusion in government; when all persons (without distinction) are allowed a right to chuse and be chosen members of the supreme assemblies.

A free-  
state gives  
no cause  
of con-  
fusion.

For answer to this, know, we must consider a commonwealth in a twofold condition: either in its settled state, when fully established and founded, and when all men were supposed friends to its establishment; or else when it is newly founding or founded, and that in the close of a civil war, upon the ruin of a former government, and those that stood for it; in which case it ever hath a great party within itself, that are enemies to its establishment.

As to the first, to wit, a commonwealth in its settled and composed state, when all men within it are presumed to be its friends, questionless, a right to chuse and to be chosen, is then to be allowed the people, (without distinction) in as great a latitude, as may stand with right reason and convenience, for managing a matter of so high consequence as their supreme assemblies; wherein somewhat must be left to human prudence; and therefore that latitude being to be admitted more or less, according to the nature, circumstances, and necessities of any nation, is not here to be determin'd.

But as to a commonwealth under the second

second consideration, when it is founding, or newly founded, in the close of a civil war, upon the ruin of a former government; in this case, (I say) to make no distinction betwixt men; but to allow the conquered part of the people an equal right to chuse and to be chosen, &c. were not only to take away all proportion in policy, but the ready way to destroy the commonwealth, and by a promiscuous mixture of opposite interests, to turn all into confusion.

Now, that the enemies of liberty, being subdued upon the close of a civil war, are not to be allowed sharers in the rights of the people, is evident, for divers reasons; not only because such an allowance would be a means to give them opportunity to sow the seeds of new broils and divisions, and bring a new hazard upon the liberties of the people, (which are reasons derived from convenience;) but there is a more special argument from the equity of the thing, according to the law and custom of nations, that such as have commenced war, to serve the lusts of tyrants against the people's interest, should not be received any longer a part of the people, but may be handled as slaves when subdued, if their subduers please so to use them; because by their treasons against the majesty of the people, (which they ought to have maintained) they have

have made forfeiture of all their rights and privileges, as members of the people ; and therefore if it happens in this case at any time, that any immunities, properties, or enjoyments be indulged unto them, they must not take them as their own by right, but as boons bestowed upon them by the people's courtesy.

The old commonwealth of Greece was very severe in this particular : for, as they were wont to heap up all honours they could vent, upon such as did or suffered any thing for the maintenance of their liberty ; so, on the other side they punished the underminers of it, or those that any ways appeared against it, with utmost extremity ; persecuting them with forfeitures, both of life and fortune ; and if they escaped with life, they usually became slaves ; and many times they persecuted them, being dead, branding their memories with an eternal mark of infamy.

In old Rome they dealt more mildly with the greatest part of those that had sided with the Tarquins after their expulsion : but yet they were not restored to all their former privileges. In process of time, as oft as any conspired against the people's interest, in their successive assemblies ; after they had once gotten them, themselves were banished, and their estates confiscated, not excepting many of the senators, as well as others ; and made for

for ever incapable of any trust in the common-wealth.

Afterwards, they took the same course with as many of Catiline's fellow-traitors and conspirators, as were worthy any thing ; and had no doubt sufficiently paid Cæsar's abettors in the same coin, but that he wore out all opposites with his prosperous treason. Thus Milan, and the rest of those states, when they were free, as also the Swisses and Hollanders, in the infancy of the Helvetian and Belgic freedoms, who took the same course with all those unnatural parricides and apostates, that offered first to strangle their liberty in the birth, or afterwards in the cradle, by secret conspiracy, or open violence. Nor ought this to seem strange, since if a right of conquest may be used over a foreign, who only is to be accounted a fair, enemy : much more against such as, against the light of nature, shall engage themselves in so foul practices, as tend to ruin the liberty of their native country.

Seeing therefore that the people in their government, upon all occasions of civil war against their liberties, have been most zealous in vindicating those attempts upon the heads of the conspirators : seeing also, that upon the close of a civil war, they have a right ; and not only a right, but usually a very great resolution

resolution to keep out those enemies of liberty, whom they conquer, from a participation of any right in government: therefore in this case also, as well as the former, we may conclude, that they in their successive assemblies, are so far from levelling the interest of government into all hands, without distinction, that their principal care is ever to preserve it in their own, to prevent the return of new wars, old interests, and confusion.

But there is a third objection against it, drawn from a pretended inconvenience of such a succession; alledging, "That the management of state-affairs requires judgment and experience; which is not to be expected from new members coming into those assemblies upon every election.

Affairs of state as well managed under a free-state as under any form.

Now, because the very life of liberty lies in a succession of powers and persons; therefore it is meet I should be somewhat precise and punctual by way of answer to this particular. Observe then, that in government two things are to be considered: *acta imperii*, and *arcana imperii*: that is, acts of state, and secrets of state. By acts of state, we mean the laws and ordinances of the legislative power: these are the things that have most influence upon a commonwealth, to its ill or well-being; and are the only remedies for such bad customs, inconveniences, and incroachments as afflict and

and grieve it. Wherefore, matters of grievance being matters of common sense, and such are obvious to the people, who best know where the shoe pinches them; certainly, there is no need of any great skill or judgment in passing or applying a law for remedy, which is the proper work of the people in their supreme assemblies; and such, as every ordinary understanding is instructed in by the light of nature: so that, as to this, there can be no danger by instituting an orderly succession of the people.

But as for those things called *arcana imperii*, secrets of state, or the executive part of government, during the intervals of their supreme assemblies: these things being of a nature remote from ordinary apprehensions, and such as necessarily require prudence, time, and experience, to fit men for management: much in reason maybe said, and must be granted, for the continuation of such trusts in the same hands, as relate to matter of counsel, or administration of justice, more or less, according to their good or ill-behaviour. A prudential continuation of these, may (without question) and ought to be allowed upon discretion; because, if they do amiss, they are easily accountable to the people's assemblies. But now the case is otherwise, as to these supreme assemblies, where a few easy, necessary

sary things, such as common sense and reason instruct men in, are the fittest things for them to apply themselves unto ; and there the people's trustees are to continue, of right, no longer than meer necessity requires, for their own redress and safety ; which being provided for, they are to return into a condition of subjection and obedience, with the rest of the people, to such laws and government as themselves have erected : by which means alone, they will be able to know whether they have done well or ill, when they feel the effects of what they have done. Otherwise, if any thing happen to be done amiss, what way can there be for remedy ? since no appeal is to be had from the supreme body of the people, except a due course of succession be preserved from hand to hand, by the people's choice ; and other persons thereupon admitted (upon the same terms) into the same authority.

This is the truth, as we have made manifest both by reason and example : therefore we shall add a little to our former discourse, by way of illustration. In Athens, when governed by the people, we find, it was their course to uphold constant returns, and periods of succession in their supreme assemblies, for remedy of grievances ; and they had a standing council, called the Areopagus, to whom all the secrets of state were committed, toge-

ther with the administration of government during the intervals of those assemblies, at whose return they were accountable; and warily continued, or excluded, as the people found cause.

In Sparta they had the like; as also in Rome, after the people had once got their successive assemblies, wherein they passed laws for government: and not knowing how to be rid of their hereditary senate, they permitted them and their families to continue a standing council; but yet controulable by, and accountable to their assemblies, who secluded and banished many of them for their misdemeanors: so that by this means the people had an opportunity to make use of their wisdom, and curb their ambition.

In Florence (when free) the government was after the same mode.

In Holland also, and Switzerland, they have their supreme assemblies frequent by election, with exceeding benefit, but no prejudice to affairs: for the frequency of those successive meetings, preserves their liberty, and provides laws; the execution whereof is committed to others, and affairs of state to a council of their own choice, accountable to themselves: where their state-concernments very seldom miscarry, because they place and displace their

their counsellors with extraordinary care and caution.

By these particulars, you may perceive the vanity of the aforesaid objection, and how slender a pretence it is against that excellent course of successive assemblies; since affairs of state are as well disposed (or rather better) under this form than any other.

Discontents and tumults, no natural effects of a free-state.

A fourth objection commonly used against the constitution of a free-state, or government by the people in their successive assemblies, is this: “ That such a government brings great damage to the public, by their frequent discontents, divisions, and tumults, that arise within it.”

For answer to this, it is requisite that we take notice of those occasions which are the common causes of such humours in this form: which being once known, it will easily appear whence those inconveniences do arise, and not from any default in the nature of the government: they are commonly these three.

First, when any of their fellow-citizens, or members of the commonweal shall arrogate any thing of power and privilege unto themselves, or their families, whereby to grandize or greateren themselves, beyond the ordinary size and standard of the people. We find this to be most true, by the course of affairs

affairs in the Roman state, as they are recorded by Livy; who plainly shews, that upon the expulsion of the Tarquins, though the senate introduced a new government, yet their retaining the power of the old within the hands of themselves and their families, was the occasion of all those after discontents and tumults that arose among the people. For, had Brutus made them free, when he declared them so; or had the senate a little after, followed the advice and example of Publicola, and some others as honest as he; all occasion of discontent had been taken away: but when the people saw the senators seated in a lofty posture over them; when they felt the weight of that state and dignity pressing upon shoulders that were promised to be at ease, and free; when they found themselves exempted from the enjoyment of the same common privileges, excluded from all offices, or alliance with the senators; their purses emptied of money, their bellies of meat, and their hearts of hope: then it was, that they began to grumble and mutiny; and never until they got a power to bridle the great ones, by an happy succession of their supreme assemblies.

A second occasion of the people's being inclined to discontent and tumult, under their free form of government, appears in story to

be this : When they felt themselves not fairly dealt withal, by such as became their leaders and generals. Thus in Syracusa, Dionysius cloathing himself with a pretence of the people's liberties, and being by that means made their general, and then making use of that power to other ends than was pretended, became the fire-brand of that state, and put the people all into flames, for the expulsion of him, who had made a forfeiture of all his glorious pretences.

Thus in Sparta ; the people were peaceable enough under their own government, till they found themselves over-reached, and their credulity abused by such as they trusted, whose designs were laid in the dark, for the converting of liberty into tyranny, under Manchanidas and Nabis. In old Rome, under the people's government, it is true, it was a sad sight oftentimes to see the people swarming in tumults, their shops shut up, and all trading given over throughout the city, and sometimes the city forsaken and left empty.

But here, as also in Athens, the occasion was the same : for, as the people naturally love peace and ease ; so finding themselves often out-witted and abused by the slights and seats of the senate, they presently (as it is their nature upon such occasions) grew out of all patience. The case was the same also,

when

when any one of their senators, or of themselves, arrived to any height of power by insinuating into the people's favour, upon specious and popular pretences, and then made a forfeiture of those pretences, by taking a contrary course. Thus Sylla of the senatorian order, and Marius of the plebeian, both got power into their hands, upon pretence of the people's good, (as many others did before and after, not only in Rome, but in other free-states also) but forfeiting their pretences by taking arbitrary courses, they were the sole causes of all those tumults and slaughters among the Romans, the infamy whereof hath most injuriously been cast upon the people's government, by the profane pens of such as have been bold in pension or relation in the courts of princes.

Thus Cæsar also himself, striking as a favourite of the people upon fair pretences, and forfeiting them, when in power, was the only cause of all those succeeding civil broils and tragedies among the people.

A third occasion of the people's being inclined to discontent and tumult in a free-state, is this, when they are sensible of oppression. For, I say again, the people are naturally of peaceable temper, minding nothing but a free enjoyment: but if once they find themselves circumvented, misled, or squeezed by

such as they have intrusted, then they swell like the sea, and over-run the bounds of just and honest, ruining all before them.

In a word, there is not one precedent of tumults or sedition can be cited out of all stories, by the enemies of freedom, against the people's government; but it will appear likewise thereby, that the people were not in fault, but either drawn in, or provoked thereto, by the craft or injustice of such fair pretenders as have had by-ends of their own, and by-designs upon the public liberty.

Nevertheless, admit that the people were tumultuous in their own nature; yet those tumults (when they happen) are more easily to be borne, than these inconveniences that arise from the tyranny of monarchs and great ones: for popular tumults have these three qualities.

First, the injury of them never extend further than some few persons; and those (for the most part) guilty enough; as were the thirty grandees in Athens, the ten in Rome and those other state-mountebanks, that suffered for their practices by the people's fury.

Secondly, those tumults are not lasting, but (like fits) quickly over: for, an eloquent oration, or persuasion, (as we see in the example of Menenius Agrippa) or the reputatio

of some grave or honest man, (as in the example of Virginius, and afterwards of Cato) doth very easily reduce and pacify them.

Thirdly, the ending of those tumults, tho' they have ruined some particulars, yet it appears they have usually turned to the good of the public: for we see, that both in Athens and Rome, the great ones were by this means kept in awe from injustice; the spirits of the people were kept warm with high thoughts of themselves and their liberty, which turned much to the inlargement of their empire.

And lastly, by this means they came off always with good laws for their profit, (as in the case of the law of twelve tables, brought from Athens to Rome) or else with an augmentation of their immunities, and privileges (as in the case of procuring the tribunes, and their supreme assemblies) and afterwards in the frequent confirmation of them against the incroachments of the nobles.

Now the case is far otherwise under the standing power of the great ones; they, in their counsels, projects, and designs, are fast and tenacious; so that the evils under those forms are more remediless. Besides, they reach to the whole body of a commonweal: and so the evils are more universal. And lastly, those tumults, quarrels, and inconveni-

encies that arise from among them, never tend nor end, but to the farther oppression and suppression of the people in their interest and propriety.

For conclusion then : by these particulars you may plainly see the vanity of this objection about tumults, how far they are from being natural effects of the people's government ; insomuch, as by the records of history, it appears rather that they have been the necessary consequences of such tricks and cheats of great men, as in the days of yore have been put upon the people.

Calum-  
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A fifth objection against the form of a free-state, or government by the people in their successive assemblies, and which we find most in the mouths of royalists and parasites, is this, " That little security is to be had therein for the more wealthy and powerful sort of men, in regard of that liberty which the people assume unto themselves, to accuse or calumniate whom they please upon any occasion."

For answer to this, know, that calumnia-  
tion (which signifies ambitious slandering  
of men, by whisperings, reports, or false ac-  
cusions) was never allowed or approved in  
this form of government. 'Tis true indeed,  
that such extravagances there have been  
(more or less) in all forms whatsoever ; but in  
this,

this, less than any : it being most in use under standing powers of great ones, who make it their grand engine to remove or ruin all persons that stand in the way of them and their designs : And for this purpose, it hath ever been their common custom to have instruments ready at hand ; as we see in all the stories of kings and grandees from time to time ; yea, and by Aristotle himself, together with the whole train of commentators, it is particularly marked out *inter flagitia dominatio- nis*, to be one of the peculiar enormities that attend the lordly interest of dominion.

The Roman state, after it grew corrupt, is a sufficient instance ; where we find, that not only the ten grandees, but all that succeeded them in that domineering humour over the people, ever kept a retinue well stock'd with calumniators and informers, (such as we call " Knights of the post") to snap those that in any wise appeared for the people's liberties. This was their constant trade, as it was afterwards also of their emperors. But all the while that the people kept their power entire in the supreme assemblies, we read not of its being brought into any constant practice. Sometimes indeed, those great commanders that had done them many eminent services, were, by reason of some after-actions, called to an account ; and having, by an ingross-

ment of power, rendered themselves suspected, and burthensome to the commonwealth, were commanded to retire, as were both the Scipio's.

And in the stories of the Athenian commonwealth, we find that by their lofty and unwary carriage, they stirred up the people's fear and jealousy so far, as to question and send divers of them into banishment, notwithstanding all their former merits; as we read of Alcibiades, Themistocles, and others: whereas, if the rules of a free-state had been punctually observed, by preserving a discreet revolution of powers, and an equability, or moderate state of particular persons, there had been no occasion of incroachment on the one part, or of fear on the other; nor could the prying royalist have had the least pretence or shadow of invective against the people's government in this particular.

Thus much of calumnia, which is less frequent under the people's form, than any other.

Now as to the point of accusing, or liberty of accusation by the people, before their supreme assemblies; it is a thing so essentially necessary for the preservation of a commonwealth, that there is no possibility of having persons kept accountable without it; and, by consequence, no security of life and estate,

liberty

liberty and property. And of what excellent use this is, for the public benefit of any state, appears in these two particulars.

First, it is apparent, that the reason wherefore kings, and all other standing powers, have presumed to abuse the people, is, because their continuation of authority having been a means to stave them in a condition of impunity, the people either durst not, or could not assume a liberty of accusation; and so have lingered without remedy, whilst great men have proceeded without controul to an augmentation of their misery: whereas if a just liberty of accusation be kept in ure, and great persons by this means lie liable to questioning, the commonwealth must needs be the more secure; because none then will dare to intrench, or attempt aught against their liberty; and in case any do, they may with much ease be suppressed. All which amounts, in effect, to a full confirmation of this most excellent maxim, recorded in policy: *Maxime interest repub. libertatis, ut libere possis civem aliquem accusare:* “It most highly concerns the freedom of a commonwealth, that the people have liberty of accusing any persons whatsoever.”

Secondly, it appears, this liberty is most necessary, because as it hath been the only remedy against the injustice of great and powerful

ful persons ; so it hath been the only means to extinguish those emulations, jealousies, and suspicions, which usually abound with fury in men's minds, when they see such persons seated so far above, that they are not able to reach them, or bring them (as it becomes all earthly powers) to an account of their actions : of which liberty when the people have seen themselves deprived in time past, it is sad to consider how they have flown out into such absurd and extraordinary courses, in hope of remedy, as have caused not only distraction, but many times utter ruin to the public. Most of those tumults in old Rome, were occasioned for want of this liberty in ordinary ; as those that happened under the Decemviri : so that the people, not having freedom to accuse and question their justice, were enflamed to commit sudden outrages, to be revenged upon them. But when they had once obtained power to accuse or question any man, by assistance of their tribunes, then we meet with none of those heats and fits among them ; but they referred themselves over, with much content, to the ordinary course of proceeding. A pregnant instance whereof, we have in the case of Coriolanus ; who having done some injury to the people, they finding him befriended and upheld by the great ones, resolved to be revenged upon him with

with their own hands ; and had torn him in pieces as he came out of the senate, but that the tribunes immediately stepped in, and not only promised, but appointed them a day of hearing against him ; and so all was calm again, and quiet ; whereas, if this ordinary course of remedy, in calling him to account, had not been allowed, and he been destroyed in a mutiny, a world of sad consequences must have befallen the commonwealth, by reason of those enormities and revenges that would have risen, upon the ruin of so considerable a person.

In the stories of Florence also, we read of one Valesius, who greatning himself into little less than the posture of a prince in that republic, he so confirmed himself, that the people not being able to regulate his extravagances by any ordinary proceedings, they betook themselves to that unhappy remedy of arms ; and it cost the best blood and lives in that state, before they could bring him down ; involving them in a world of miseries, which might have been avoided, had they taken care to preserve their old liberty of accusation and question, and being able to take a course with him in an ordinary way of progres.

Thus also in the same state, Soderino, a man of the same size, interest, and humour ; when

when the people saw that they had lost their liberty, in being unable to question him, ran like madmen upon a remedy as bad as the disease, and called in the Spaniard to suppress him: so that turned almost to the ruin of the state, which might have been prevented, could they have repressed him by the ordinary way of accusation and question.

From these premises, then, let us conclude, That seeing the crooked way of calumny is less used under the people's form of government, than any other: and since the retaining of a regular course, for admitting and deciding of all complaints and controversies by way of accusation, is of absolute necessity to the safety and well being of a commonwealth: therefore this objection is of as little weight as the rest, so as in any wise to diminish the dignity and reputation of a free-state, or government by the people in their successive assemblies.

A sixth objection against the form of a free-state, or government by the people, is alledged by many, to this effect: "That people by nature are factious, inconstant, and ungrateful."

*Faction, inconstancy, and ingratitude, no natural effects of the people's government.* For answer, first, as to the point of being factious, we have already shewn, that this government, stated in a succession of its supreme assemblies, is the only preventive of faction; because,

because, in creating a faction, there is a necessity, that those which endeavour it, must have opportunity to improve their flights and projects, in disguising their designs ; drawing in instruments and parties, and in worming out opposites : the effecting of all which, requires some length of time ; which cannot be had, and consequently, no faction formed, when government is not fixed in particular persons, but managed by due succession and revolution of authority in the hands of the people.

Besides, it is to be considered, that the people are never the first or principal in faction : they are never the authors and contrivers of it, but ever the parties that are drawn into sidings by the influence of standing powers, to serve their interests and designs.

Thus Sylla and Marius, Pompey and Cæsar, continuing power in their own hands, cleft the Roman empire at several times into several parties : as afterwards it was cleft into three by the triumvirate ; wherein the people had no hand, being (as they are always) purely passive, and passionately divided, according as they were wrought upon by the subtle insinuations of the prime engineers of each faction.

Thus Italy was divided into Guelph and Gibelline : and France torn in two by the two families

families of Orleans and Burgundy ; also, by the Guiians and their confederates ; where- in the people had no further hand, than as they were acted by the persuasions and preten- ces of two powerful parties.

The case also was the same in England, in times past, when the grandee-game was in action between the two families of York and Lancaster. So that it is clear enough, The people in their own nature are not inclined to be factious, nor are they ever engaged that way, farther than as their nature is abused, and drawn in by powerful persons.

The second particular of this objection is inconstancy ; which holds true indeed in them that are debauched, and in the cor- rupted state of a commonwealth, when de- generated from its pure principles, as we find in that of Athens, Rome, Florence, and o- thers : but yet in Rome you may see as preg- nant instances of that people's constancy, as of any other sort of men whatsoever : for they continued constant irreconcileable enemies to all tyranny in general, and kingly power in particular.

In like manner, when they had once got- ten their successive assemblies, they remained so firm and stiff to uphold them, that the suc- ceeding tyrants could not in a long time, nor without extraordinary cunning and caution de- prive

prive them of that only evidence of their liberty.

Moreover, it is observable of this people, That in making their elections they could never be persuaded to chuse a known infamous, vicious, or unworthy fellow ; so that they seldom or never erred in the choice of their tribunes and other officers. And as in the framing of laws, their aim was ever at the general good, it being their own interest, *quatenus* the people ; so their constancy in the conservation of those laws was most remarkable : for, notwithstanding all the crafty devices and fetches of the nobles, the people could never be woo'd to a consent of abrogating any one law, till by the alteration of time, affairs, and other circumstances, it did plainly appear inconvenient.

But the case hath ever been otherwise under kings and all standing powers, who usually ran into all the extremes of inconstancy, upon every new project, petty humour, and occasion, that seemed favourable for effecting of their by-designs. And in order hereunto, stories will inform you, That it hath been their custom, to shift principles every moon, and cashier all oaths, protestations, promises and engagements, and blot out the memory of them with a wet finger.

This

This was very remarkable in the late king, \* whose inconstancy in this kind, was beyond compare ; who no sooner had passed any promises, made vows and protestations, fixed appeals in the high court of heaven, in the behalf of himself and his family ; but presently he forfeited all, and cancelled them by his actions.

As to the third point, of ingratitude, it is much charged upon this form of government ; because we read both in Athens and Rome, of divers unhandsome returns made to some worthy persons that had done high services for those commonwealths ; as Alcibiades, Themistocles, Phocion, Miltiades, Furius Camillus, Coriolanus, and both the Scipio's ; the cause of whose misfortunes is described by Plutarch and Livy, to be their own lofty and unwary carriage ; having (say they) by an ingrossment of power, rendered themselves suspected and burthensome to the commonwealth, and thereby stirred up the people's fear and jealousy : whereas if they had kept themselves within the rules of a free-state, by permitting a discreet revolution of power in particular hands ; there had been no occasion of incroachment on the one part, nor of fear on the other. Of all, the Scipio's indeed were most to be pitied, because their only fault seems to be too much power and greatness

\* Charles I.

ness, (which indeed is the greatest fault that members of a commonwealth can be guilty of, if seriously considered;) insomuch, that being grown formidable to their fellow-senators, they were by them removed: and so it appears to have been the act of the nobles, (upon their own score and interest) and not of the people. But as for Camillus and Coriolanus, they sufficiently deserved whatsoever befel them, because they made use of the power and reputation they had gotten by their former merits, only to malign and exercise an implacable hate towards the people's interest. Nevertheless, the people restored Camillus again to his estate and honour, after some little time of banishment.

And though this accident in a free-state hath been objected by many, as a great defect; yet others again do highly commend the humour: For (say they) it is not only a good sign of a commonwealth's being in pure and perfect health, when the people are thus active, zealous, and jealous in the behalf of their liberties, that will permit no such growth of power as may endanger it; but it is also a convenient means to curb the ambition of its citizens, and make them contain within due bounds, when they see there is no presuming after enlargements, and acce-

fions of powers and greatness, without incurring the danger and indignation of the people.

Thus much of the reason why the people many times cast off persons that have done them eminent services: yet on the other side, they were so far from ingratitude, that they have always been excessive in their rewards and honours, to such men as deserved any way of the public, whilst they conformed themselves to rules, and kept in a posture suiting to liberty. Witness their consecration of statues, incense, sacrifices, and crowns of laurel, inrolling such men in the number of their deities.

Therefore the crime of ingratitude cannot in any peculiar manner be fastened upon the people: but if we consult the stories of all standing powers, we may produce innumerable testimonies of their ingratitude toward such as have done them the greatest service; ill recompence being a mystery of state practised by all kings and grandees, who (as Tacitus tells us) ever count themselves disengaged, by the bravest actions of their subjects.

Upon this account, Alexander hated Antipater and Parmenio, and put the latter to death. Thus the emperor Vespasian cashiered and ruined the meritorious Antonies. Thus also was Alphonsus Albuquerque served by his

his master the king of Portugal; and Consalvus the great, by Ferdinand of Aragon: as was also that Stanley of the house of Derby, who set the crown upon king Henry the seventh's head. Thus Sylla the Roman grande destroyed his choicest instruments that helped him into the saddle; as Augustus served his friend Cicero, and exposed him to the malice and murder of Antony.

Innumerable are the examples of this kind, which evidence, that such unworthy dealings are the effect of all standing powers; and therefore more properly to be objected against them, than against the government of the people.

Thus having answered all, or the main objections, brought by the adversaries of a free-state; before we proceed to the errors of government, and rules of policy, it will not be amiss, but very convenient, to say something of that which indeed is the very foundation of all the rest; to wit, “ that the original of all just power and government is in the people.”

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THE  
ORIGINAL  
OF ALL  
JUST POWER is in the PEOPLE.

THOSE men that deny this position, are fain to run up as high as Noah and Adam, to gain a pretence for their opinion: alledging, That the primitive or first governments of the world were not instituted by the consent and election of those that were governed, but by an absolute authority invested in the persons governing. Thus they say our first parent ruled, by a plenary power and authority in himself only, as did also the patriarchs before and after the flood too, for some time, becoming princes by virtue of a paternal right over all the families of their own generation and extraction: so that the fathers, by reason of their extraordinary long lives, and the multiplicity of wives, happened to be lords of kingdoms or principalities of their own begetting.

And

And so some deriving the pedigree or government of this paternal right of sovereignty, would by all means conclude, "That the original of government neither was nor ought to be in the people."

For answer to this, consider, That magistracy or government is to be considered, as natural, or as political: naturally he was a true public magistrate or father of his country, who in those patriarchal times ruled over his own children and their descendants. This form of government was only temporary, and took an end not long after the flood, when Nimrod changed it, and by force combining numbers of distinct families into one body, and subjecting them to his own regiment, did, by an arbitrary power, seated in his own will and sword, constrain them to submit unto what laws and conditions himself pleased to impose on them.

Thus the paternal form became changed into a tyrannical. Neither of these had (I confess) their original in or from the people, nor hath either of them any relation to that government which we intend in our position.

But secondly, There is a government political, not grounded in nature, nor upon paternal right by natural generation; but founded upon the free election, consent or mutual compact of men entering into a form of civil

society. This is the government we now speak of, it having been in request in most ages, and still is: whereas the other was long since out of date, being used only in the first age of the world, as proper only for that time.

So that to prevent all objections of this nature, when we speak here of government, we mean only the political, which is by consent or compact; whose original we shall prove to be in the people. As for the government of the Israelites, first under Moses, then Joshua and the judges: the scripture plainly shews, that they were extraordinary governors, being of God's immediate institution, who raised them up by his spirit, and imposed them upon that people; whose peculiar happiness it was in cases of this nature, to have so infallible and sure a direction; so that their government was a theocracy (as some have called it) having God himself for its only original: and therefore no wonder we have in that time and nation, so few visible foot-steps of the people's election, or of an institution by compact. But yet we find after the judges, when this people rejected this more immediate way of government by God, (as the Lord told Samuel, "They have not rejected thee but me") and desired a government after the manner of other nations; then God seems to forbear

forbear the use of his prerogative, and leave them to an exercise of their own natural rights and liberties, to make choice of a new government and governor by suffrage and compact.

The government they aimed at, was king-ly : God himself was displeased at it, and so was Samuel too ; who in hope to continue the old form, and to fright them from the new, tells them, what monsters in government kings would prove, by assuming unto themselves an arbitrary power, (not that a king might lawfully and by right do what Samuel describes, but only to shew how far kings would presume to abuse their power ; which no doubt Samuel foresaw, not only by reason, but by the spirit of prophecy.) Nevertheless the people would have a king ; say they, “ Nay, but there shall be a king over us : ” where-upon saith God to Samuel, “ Hearken to their voice.” Where we plainly see ; first, God gives them leave to use their own natural rights, in making choice of their own form of government ; but then indeed, for the choice of their governor, there was one thing extraordinary, in that God appointed them one, he vouchsafing still in an extraordinary and immediate manner to be their director and protector : but yet, though God was pleased to nominate the person, he left the confirmation and ratification of the

kingship unto the people ; to shew, that naturally the right of all was in them, however the exercise of it were superseded at that time, by his divine pleasure, as to the point of nomination: for, that the people might understand it was their right, Samuel calls them all to Mizpeh, as if the matter were all to be done anew on their part; and there by lot, they at length made choice of Saul, and so immediately by proclaiming him with shouts and acclamations : and then having had proof of his valour against the Amorites, they meet at Gilgal, and proclaim him king once again, to shew that (naturally) the validity of the kingship depended wholly upon the people's consent and confirmation. And so you see the first and most eminent evidence of the institution of political government in scripture doth notoriously demonstrate, that its original is in or from the people ; and therefore I shall wave any further instances in cases of the like nature out of scripture, which are not a few. Only let it be remembered, that Peter in his First Epistle, calls all government the ordinance of man, (in the original, " the creation of man," a creature of a man's making) to shew, that in all its forms it depends only upon the will and pleasure of the people.

We might insist farther to evince the truth  
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of this by strength of reason ; but let this serve to assert the right of the thing ; and as for the rest, every man will easily believe it very consonant to reason, if he reflect upon the matter of fact, and consider, that it hath been the unanimous practice of all the nations of the world, to assert their own rights of election and consent (as often as they had opportunity) in the various turns of institution and alteration of government. In Italy of old they had most free states, and few princes ; now all princes, and no free states. Naples, after many revolutions, is under Spain, Rome under a pope, and under him one senator, instead of those many that were wont to be ; Venice and Genoa have senators and dukes, but the dukes are of small power ; Florence, Ferrara, Mantua, Parma, and Savoy, have no senators, but dukes only, and they absolute ; Burgundy, Lorrain, Gascony, and Brittany, had once kings, then dukes, but now are incorporated into France : so all the principalities of Germany that now are, were once embodied in one entire regiment : Castile, Aragon, Portugal, and Barcelona, were once distinct kingdoms, but now united all to Spain, save Portugal, which fell off the other day ; France was first one kingdom under Pharamond, afterwards parted into four kingdoms, and at last become one again :

England

England consisted of free-states, till the Romans yoked it ; afterwards it was divided into seven kingdoms, and in the end it became one again. Thus you see how the world is subject to shiftings of government : and though it be most true, that the power of the sword hath been most prevalent in many of these changes, yet some of them have been chiefly managed, (as they ought) by the people's consent ; and even in those where the sword hath made way, the people's consent hath ever been drawn and taken in afterwards, for corroboration of title ; it having been the custom of all usurpers, to make their investitures appear as just as they could, by getting the community's consent *ex post facto*, and entering into some compact with them, for the better establishing themselves with a shew of legality ; which act of all tyrants and usurpers, is a manifest (though tacit) confession of theirs, “ That *de jure* the original of all power and government, is and ought to be in the P E O P L E.”

## ERRORS of GOVERNMENT;

A N D

## RULES of POLICY.

HAVING proved that the original of all just power and government is in the people; and that the government of the people, in a due and orderly succession of their supreme assemblies, is much more excellent than any other form, I suppose it falls in of course, in the next place, to note, and observe those common errors in policy, wherein most countries of the world, (especially that part of it called Christendom) have been long intangled; that when the mystery of tyranny is undressed, and stript of all its gaudy robes, and gay appearances, it may be hissed out of the civil part of mankind into the company of the more barbarous and brutish nations.

The first error that we shall observe in ancient christian policy, and which hath indeed been a main foundation of tyranny, is

One error  
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ment, is a  
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a state in- that corrupt division of a state into ecclesiasti-  
to eccle- cal and civil ; a fault whereof our latest  
siastical refiners of political discourse are as guilty in  
and civil. their writings, as any others : but that there  
is the least footprint, in the scripture, for  
christians to follow such a division of state, or  
to allow of a national way of churhing,  
which is the root of that division, could never  
yet be proved by any ; and the contrary is  
very clear from the drift and scope of the gos-  
pel. We read, indeed, of the commonwealth  
of Israel being thus divided, and that it was  
done according to rules and constitutions of  
God's own appointment ; it being God's way  
then, when he was pleased to make choice  
of that people only, out of all the world, to  
be his own peculiar, and so fixed his church  
there in a national form : Then it was con-  
fined and restrained to that particular nation,  
excluding all others. But if any man will  
argue from hence, that it is lawful for any  
nation now under the gospel to follow this  
pattern ; then it behoves him, 1. To prove,  
that God intended the Jewish government as  
a pattern for us to follow under the gospel.  
And if any man will pretend to this, then in  
the second place, it will concern him to  
prove, that we are to follow it in every par-  
ticular, or only in some particulars. That  
we are to follow it in every one, no sober man

did ever yet affirm : and if they will have us to follow it in some particulars, relinquishing the rest, then it concerns him to produce some rule or command out of scripture, plainly pointing out what parts of it we are to embrace, and what not ; or else he will never be able to make it appear, that the form of the commonwealth of Israel was ever intended, either in the whole, or in part, as a pattern for christians to follow under the gospel. But never was any such rule alledged yet out of scripture by those that pretend to a national church.

And therefore, if we seriously reflect upon the design of God, in sending Christ into the world, we shall find it was to put an end to that pompous administration of the Jewish form ; that as his church and people were formerly confined within the narrow pale of a particular nation, so now the pale should be broken down, and all nations taken into the church : not all nations in a lump ; nor any whole nations, or national bodies to be formed into churches ; for his church or people, now under the gospel, are not to be a body political, but spiritual, and mystical : Not a promiscuous confusion of persons, taken in at adventure ; but an orderly collection, a picking and chusing of such as are called and sanctified ; and not a company of men forced in,

in, by commands and constitutions of worldly powers and prudence; but of such as are brought in by the power and efficacy of Christ's word and spirit: for he himself hath said, " My kingdom is not of this world; it is not from hence, &c." and therefore, that hand which hitherto hath presumed, in most nations, to erect a power, called ecclesiastic, in equipage with the civil, to bear sway, and bind men's consciences to retain notions, ordained for orthodox, upon civil penalties, under colour of prudence, good order, discipline, preventing of heresy, advancing of Christ's kingdom; and to this end, hath twisted the spiritual power (as they call it) with the worldly and secular interest of state; this (I say) hath been the very right hand of Antichrist, opposing Christ in his way: whose kingdom, government, governors, officers, and rulers; laws, ordinances, and statutes, being not of this world, (I mean, *jure humano,*) depend not upon the helps and devices of worldly wisdom.

Upon this score and pretence, the infant mystery of iniquity began to work in the very cradle of christianity.

Afterwards it grew up by the indulgence of Constantine, and other christian emperors, whom though God used in many good things for the suppression of gross heathen idolatry, yet

yet (by God's permission) they were carried away, and their eyes so far dazzled, through the glorious pretences of the prelates and bishops, that they could not see the old serpent in a new form wrapt up in a mystery; for Satan had a new game now to play, which he managed thus: First, he led a great part of the world away with dangerous errors, thereby to find an occasion for the prelates, to carry on the mystery of their profession; and so, under pretence of suppressing those dangerous errors, they easily screwed themselves into the civil power: and for continuing of it the surer in their own hands, they made bold to baptize whole nations with the name of christian, that they might (under the same pretence) gain a share of power and authority with the magistrate in every nation; which they soon effected.

The infant being thus nursed, grew up in a short time to a perfect man, the man of sin (if the pope be the man, which is yet controverted by some:) for, the prelates having gotten the power in their hands, began then to quarrel, who should be the greatest among them. At length he of Rome bore away the bell; and so the next step was, that, from national churches, they proceed to have a mother-church of all nations. A fair progress and pitch, indeed, from a small beginning;

ginning: And now being up, they defied all with bell, book, and candle, excommunicating and deposing kings and emperors, and binding men's consciences still, under the first specious pretence of suppressing heresy, to believe only in their arbitrary dictates, traditions, and errors, which are the greatest blasphemies, errors, and heresies, that ever were in the world. Now they were up, see what ado there was to get any part of them down again? What a quarter and commotion there was in Germany, when Luther first brake the ice? and the like here in England, when our first reformers began their work? These men, in part, did well, but having banished the pope's actual tyranny, they left the seed, and principle of it, still behind, which was, a state ecclesiastical united with the civil; for the bishops twisted their own interest again with that of the crown, upon a protestant account; and by virtue of that, persecuted those they called Puritans, for not being as orthodox (they said) as themselves.

To conclude, if it be considered, that most of the civil wars, and broils, throughout Europe, have been occasioned, by permitting the settlement of clergy interest, with the secular, in national forms, and churches, it will doubtless be understood, that the division of a state into

into ecclesiastical and civil, must needs be one of the main errors in christian policy.

A second error which we shall note, and which is very frequent under all forms of government, is this; That care hath not been taken at all times, and upon all occasions of alteration, to prevent the passage of tyranny out of one form into another, in all the nations of the world: for, it is most clear, by observing the affairs and actions of past-ages, and nations, that the interest of absolute monarchy, and its inconveniences have been visible and fatal under the other forms (where they have not been prevented) and given us an undeniable proof of this maxim, by experience in all times; That the interest of monarchy may reside in the hands of many, as well as of a single person.

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policy.

The interest of absolute monarchy, we conceive to be an unlimited, uncontrollable, unaccountable station of power and authority in the hands of a particular person, who governs only according to the dictates of his own will and pleasure. And though it hath often been disguised by sophisters in policy, so as it hath lost its own name, by shifting forms; yet really, and effectually, the thing in itself hath been discovered under the artificial covers of every form, in the various revolutions of government: so that nothing

more concerns a people established in a state of freedom, than to be instructed in things of this nature, that the means of its preservation being understood, and the subtle sleight of old projectors brought into open view, they may become the more zealous to promote the one, and prevent the other, if any old game should happen to be played over anew, by any succeeding generation.

It is very observable in Athens, that when they had laid aside their king, the kingly power was retained still in all the after-turns of government: for their decimal governors, and their thirty (commonly called the tyrants) were but a multiplied monarchy, the monarchal interest being held up as high as ever, in keeping the exercise of the supremacy out of the people's hands, and seating themselves in an unaccountable state of power and authority, which was somewhat a worse condition, than the people were in before; for their kings had supervisors, and there were also senatic assemblies, that did restrain and correct them: but the new governors having none, ran into all the heats and fits, and wild extravagancies, of an unbounded prerogative: by which means, necessity and extremity opening the people's eyes, they, at length, saw all the inconveniences of kingship wrapt up in new forms, and rather increased, than diminished;

so that (as the only remedy) they dislodged the power out of those hands, putting it into their own, and placing it in a constant orderly revolution of persons elective by the community. And now being at this fair pass, one would have thought there was no shelter for a monarchal interest, under a popular form too. But alas, they found the contrary ; for, the people not keeping a strict watch over themselves, according to the rules of a free-state ; but being won by specious pretences, and deluded by created necessities, to intrust the management of affairs into some particular hands, such an occasion was given thereby to those men to frame parties of their own, that by this means, they in a short time became able to stand upon their own legs, and do what they list without the people's consent : and in the end, not only discontinued, but utterly extirpated their successive assemblies.

In Rome also, the case was the same under every alteration ; and all occasioned, by the crafty contrivances of grandising parties, and the people's own facility and negligence, in suffering themselves to be deluded : for, with the Tarquins, (as it is observed by Livy, and others) only the name king was expelled, but not the thing ; the power and interest of kingship was still retained in the senate, and

ingrossed by the consuls: For, besides the rape of Lucrece, among the other faults objected against Tarquin, this was most considerable, That he had acted all things after his own head, and discontinued consultations with the senate, which was the very height of arbitrary power. But yet as soon as the senate was in the saddle, they forgat what was charged by themselves upon Tarquin, and ran into the same error, by establishing an arbitrary, hereditary, unaccountable power in themselves, and their posterity, not admitting the people (whose interest and liberty they had pleaded, into any share in consultation, or government, as they ought to have done, by a present erecting of their successive assemblies: so that you see the same kingly interest, which was in one before, resided then in the hands of many. Nor is it my observation only, but pointed out by Livy, in his second book, as in many other places; *Cum à patribus, non consules sed carnicices, &c.* “ When (faith he) the senators strove to create, not consuls, but executioners, and tormentors, to vex and tear the people, &c.” And in another place of the same book, *Consules, immoderatā infinitāq; potestate, omnes metus legum, &c.* “ The consuls, having an immoderate and unlimited power, turned the terror of laws and punishments only upon the people,

people, themselves (in the mean while) being accountable to none but to themselves, and their confederates in the senate."

Then the consular government being cashiered, came on the Decemviri. *Cum consulari imperio ac regio, sine provocatione* (saith my author) "Being invested with a consular and kingly power, without appeal to any other."

And in his third book he saith, *Decem regum species erat*: "It was a form of ten kings," the miseries of the people being encreased ten times more than they were under kings, and consuls. For remedy therefore, the ten were cashiered also; and consuls being restored, it was thought fit for the bridling of their power, to revive also the dictatorship (which was a temporary kingship, used only now and then upon occasion of necessity) and also those deputies of the people called tribunes, which one would have thought had been sufficient bars against monarchic interest, especially being assisted by the people's successive assemblies. But yet for all this, the people were cheated through their own neglect, and bestowing too much confidence and trust upon such as they thought their friends: for when they swerved from the rules of a free-state, by lengthening the dictatorship in any hand, then monarchic interest crept in there, as it did under Sylla, Cæsar, and others, long be-

fore it returned to a declared monarchal form; and when they lengthened commands in their armies, then it crept in there, as it did under the afore-named persons, as well as Marius, Cinna, and others also; and even Pompey himself, not forgetting also the pranks of the two triumvires, who all made a shift under every form, being sometimes called consuls, sometimes dictators, and sometimes tribunes of the people, to out-act all the flagitious enormities of an absolute monarchy.

It is also evident in the story of Florence, that that commonwealth, even when it seemed most free, could never quite shake off the interest of monarchy: for, it was ever the business of one upstart, or other, either in the senate, or among the people, to make way to their own ambitious ends, and hoist themselves into a kingly posture through the people's favour, as we may see in the actions of Savanarola the monk, Soderino, and the Medices, whose family did (as we see at this day) fix itself at length in the state of an absolute monarchy, under the title of a dukedom. Nor can it be forgotten, how much of monarchy (of late) crept into the United Provinces.

Now the use that is to be made of this discourse, is this, that since it is clear, the interest of monarchy may reside in a consul, as well as in a king; in a dictator, as well as in

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a consul ; in the hands of many, as well as of a single person ; and that its custom hath been to lurk under every form, in the various turns of government ; therefore as it concerns every people in a state of freedom, to keep close to the rules of a free-state, for the turning out of monarchy (whether simple, or compound, both name and thing, in one or many) by which means only they will be enabled to avoid this second error in policy ; so they ought ever to have a reverent and noble respect of such founders of free-states, and common-wealths, as shall block up the way against monarchic tyranny, by declaring for the liberty of the people, as it consists in a due and orderly succession of authority, in their supreme assemblies.

A third error in policy, which ought especially to be taken notice of, and prevented in a free-state, hath been a keeping of the people ignorant of those ways and means that are essentially necessary for the preservation of their liberty ; for, implicit faith, and blind obedience, hath hitherto passed current, and been equally pressed and practised by grantees, both spiritual and temporal, upon the people ; so that they have in all nations shared the authority between them. And though many quarrels have risen in times past between kings, and their clergy, touching

A keeping the people in ignorance of the essential ways and means that are necessary for the people's liberty, is an error in a free-state.

their several jurisdictions, yet the mysteries of domination have been still kept under lock and key: so that their prerogative remained entire ever above the reach and knowledge of the people: by which means monarchs, and other standing powers, have seen their own interest provided for, as well as the popes, in this mysterious maxim, “Ignorance is the mother of devotion.”

But these things ought not to be so, among a people that have declared themselves a free-state: for, they should not only know what freedom is, and have it represented in all its lively and lovely features, that they may grow zealous and jealous over it, but, that it may be a zeal according to knowledge and good purpose, it is without all question, most necessary, that they be made acquainted, and thoroughly instructed in the means and rules of its preservation, against the adulterous wiles and rapes of any projecting sophisters that may arise hereafter.

And doubtless, this endeavour of mine, in laying down the rules of preserving a free-state, will appear so much the more necessary, if we consider, that all the inconveniences that in times have happened under this form, to embroil, or ruin it, have proceeded (as we have formerly proved) either from the people’s neglect, or rather ignorance of those means

means and rules that should be committed unto them, both for practice, and observation: having therefore made brief collections out of the monuments of this kind of learning, I shall here insert them, that the people of every commonwealth, which mean to preserve their freedom, may be informed how to steer their course, according to such rules as have been put in practice heretofore by divers nations.

First, It hath been a custom, not only to breed up all the young fry in principles of dislike and enmity against kingly government; but also to cause all that were capable of swearing, to enter into an oath of abjuration, to abjure a toleration of kings, and kingly power, in time to come.

Thus Brutus bound the Romans by an oath against kings, " That they should never suffer any man again to reign at Rome."

Thus the Hollanders preserved themselves also, entering into an oath of abjuration, not only against king Philip and his family, but all kings for ever.

And Brutus, to make sure work, did not only do this, but divided the royal revenues among the people; which was a good way to make them resolute to extremity, knowing, That if ever any king came in play again, he would take all away again by virtue of his prerogative

prerogative and crown. He brake also all the images and statues of the Tarquins, and he levelled their houses with the ground, that they might not remain as temptations to any ambitious spirits. Suitable to this policy, was that of Henry VIII. who when he disposed of the revenues of abbies, demolished also the building ; saying, “ Destroy the nests, and the rooks will ne'er return again.” Which, questionless, was a most sure way, both in him, and Brutus, to be imitated, or neglected, as there may be occasion : but they thought, in a case of this nature, that the convenience in keeping them, could not countervail the danger.

It hath been a rule in all free-states, not to suffer particular persons to grandise, or greater themselves more than ordinary ; for, that by the Romans was called, *affectatio regni*, “ an aspiring to kingship :” Which being observed in Mælius and Manlius, two noble Romans, that had deserved highly of the state, yet their past merits and services could not exempt them from the just anger of the people, who made them examples to posterity : yea, the name of the latter, (though Livy calls him an incomparable man, had he not lived in a free state,) was ever after disowned by his whole family, that famous family of the Manlii, and both the name and memory of him, and of his consulship,

consulship, was razed out of all public records, by decree of the senate.

The not keeping close to this rule, had of late like to have cost the Low Countries, the loss of their liberty; for the wealth of the house of Orange, grown up to excess, and permitting the last man to match into a kingly family, put other thoughts and designs into his head, than be seemed a member of a free-state; which, had he not been prevented, by the providence of God, and a dark night, might, in all probability, have reduced them under the yoke of kingly power.

Thirdly, Especial care hath been taken, *non diurnare imperia*, “not to permit a continuation of command and authority, in the hands of particular persons, or families.” This point we have been very large in. The Romans had a notable care herein, till they grew corrupt. Livy in his fourth book, saith, *Libertatis magna custodia est, si magna imperia esse non finas, & temporis modus imponatur*: “It is a grand preservative of liberty, if you do not permit great powers and commands to continue long; and if so be you limit, in point of time.” To this purpose they had a law, called the Emilian Law, to restrain them; as we find in the ninth book, where he brings in a noble Roman, saying thus:

*Hoc*

*Hoc quidem regno simile est* ; “ And this, indeed, is like a kingship, that I alone should bear this great office of the censorship, *triennium & sex menses*, three years and six months, contrary to the Emilian Law.” In his third book also, he speaks of it, as of a monstrous business, That the ides of May were come (which was the time of their year’s choice) and yet no new election appointed : *Id-verò regnum haud dubie videre, deploratur in perpetuum libertas* : “ It without doubt seems no other than a kingdom, and liberty is utterly lost for ever.” It was treason for any man to hold that high office of the dictatorship in his own hand, beyond six months. He that would see notable stuff to this purpose, let him read Cicero’s Epistles to Atticus, concerning Cæsar. The care of that people, in this particular, appeared also, that they would not permit any man to bear the same office twice together.

This was observed likewise (as Aristotle tells us) in all the free-states of Greece.

And in Rome we find Cincinnatus, one of the brave Roman generals, making a speech unto the people, to persuade them, to let him lay down his command. Now the time was come, though the enemy was almost at their gates, and never more need, than at that time, of his valour and prudence, as the people

people told him; but no persuasion would serve the turn; resign he would, telling them, “There would be more danger to the state, “in prolonging his power, than from the “enemy, since it might prove a precedent “most pernicious to the Roman freedom.” Such another speech was made by M. Rutilius Censorinus to the people, when they forced him to undergo the office of censor twice together, contrary to the intent and practice of their ancestors; yet he accepted it: but (as Plutarch tells us) upon this condition; “That a law might pass against the “title in that, and other officers, lest it “should be drawn into precedent in time to “come.” Thus the people dealt also with their own tribunes, the law being, “That none of them should be continued two years together.” So tender were the Romans, in this particular, as one principal rule and means, for the preservation of their liberty.

A fourth rule, Not to let two of one family to bear offices of high trust at one time, nor to permit a continuation of great powers in any one family. The former usually brings on the latter: and if the latter be prevented, there is the less danger in the former: but however, both are to be avoided. The reason is evident, because a permission of them gives a particular family

Not to let two of one family bear offices of trust at one time.

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an opportunity, to bring their own private interest into competition with that of the public: from whence presently ensues this grand inconvenience in state, the affairs of the Commonwealth will be made subservient to the ends of a few persons; no corn shall be measured, but in their bushel; nor any materials be allowed for the public work, unless they square well with the building of a private interest, or family. This therefore was a principal point of state among the Romans, *Ne duo vel plures ex unâ familiâ magnos magistratus gerant eodem tempore*; “Let not two or more, of one family, bear great offices at the same time.” And a little after it follows, *Ne magna imperia ab unâ familiâ prescribantur*; “Let not great commands be prescribed, or continued by one family.”

That little liberty which was left to the Romans, after that fatal stab given to Cæsar in the senate-house, might have been preserved, had they prevented his kinsman Octavius from succeeding him in the possession of an extraordinary power. The effecting whereof was Cicero’s work, and, indeed, his principal error: as he often afterwards acknowledged; which may serve to shew, “That the wisest man may be sometimes mistaken:” for he brought the other into play; whereas had he quitted his spleen, and

consulted his brain, he must questionless have seen, that a siding with Antony had been more convenient, than with the other; who being once admitted into power, soon drew the parties and interests of his uncle Julius to become his own; and with a wet finger, not only cast off his friend Cicero, but contrived the ruin of the republic, and him, both together.

The Florentine family of the Medices, who hold an absolute command at this day, made themselves, by continuing power in their hands, in a short time so considerable, that they durst openly bid defiance to public liberty, which might have continued much longer, had not Casinus been so easily admitted to succeed his cousin Alexander.

It is observable also, of the same family, that one of them being pope, they then hatched designs upon several parts of Italy, not doubting but to carry them by favour of the pope their kinsman: but he dying before their ends were effected, they then made a party in the conclave, for the creating of Julian de Medicis, who was brother to the former pope; and had like to have carried it, till Pompeius Columba stood up, and shewed them how dangerous and prejudicial it must of necessity prove to the liberties of Italy, that the popedom should be continued in one house,

house, in the hands of two brothers, one after another.

What effects the continuation of power in the family of Orange, hath had in the United Provinces, is every man's observation; and that nation sufficiently felt, long before the project came to maturity, in this last man's days; and had he left a son of sufficient years behind him, to have stept immediately into his place, perhaps the design might have gone on: but certainly that people have wisely improved their opportunity, (the cockatrice being not fledged) in reducing that family into a temper more suitable to a state and interest of liberty.

What made the ancient Roman senate, in a short time, so intolerable to that people, but because they carried all by families? as the senate of Venice doth now at this day: where, if the constitution were otherwise, the people would then (perhaps) be much more sensible what it is to be in a "state of freedom."

*The majesty and authority of the suffrages, or votes of the supreme assembly to be kept intire.* Fifthly, It hath been usual in free-states, to hold up the majesty and authority of their suffrages, or votes, intire in their senators, or supreme assemblies: for if this were not looked to, and secured from control, or influence of any other power, then *aetum erat de libertate*; "Liberty and authority became lost for ever." So long as the Roman people kept

up

up their credit and authority, as sacred, in their tribunes, and supreme assemblies, so long they continued really free: but when by their own neglect, they gave Sylla, and his party, in the senate, an opportunity of power to curb them, then their suffrages (once esteemed as sacred) were trodden under foot; for immediately after, they came to debate and act but by courtesy, the authority left being by Sylla, after the expiration of his dictatorship, in the hands of the standing senate, so that it could never after be regained by the people. Nor did the senate themselves keep it long in their own hands: for when Cæsar marched to Rome, he deprived them also of the authority of their suffrages; only in a formal way made use of them, and so under a shadow of legality, he assumed that power unto himself, which they durst not deny him.

Just in the same manner dealt Cosmus with the Florentine senate: he made use of their suffrages, but he had so played his cards before-hand, that they durst not but yield to his ambition. So also Tiberius, when he endeavoured to settle himself, first brought the suffrages of the senate at his own devotion, that they durst not but consent to his establishment; and then so ordered the matter, that he might seem to do nothing, not only

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without their consent ; but to be forced to accept the empire, by their intreaty : so that you see there was an empire in effect, long before it was declared in formality.

From hence, therefore, we may clearly deduce the necessity of this rule in a free-state, from the practice of times past, that no state can prefer its freedom, but by maintaining the free suffrage of the people in full vigour, untainted with the influence, or mixture, of any commanding power.

The people are to be continually trained up in the exercise of arms, and the militia in the militia lodged in the hands of those that are firm to the interest of the nation.

A sixth rule in practice hath been this ; To see, that the people be continually trained up in the exercise of arms, and the militia lodged only in the people's hands ; or that arms, and part of them, which are most firm to the interest of liberty, that so the power may rest fully in the disposition of their supreme assemblies. The happy consequence whereof, was ever to this purpose :

That nothing could at any time be imposed upon the people, but by their consent ; that is, by the consent of themselves ; or of such as were by them intrusted : this was a rule most strictly practised in all the free-states of Greece : for, as Aristotle tells us, in his fourth book of Politics, they ever had special care to place the use and exercise of arms in the people : because (say they) the Commonwealth is theirs who held the arms.

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The sword, and sovereignty, ever walk hand in hand together. The Romans were very curious in this particular : after they had gained a plenary possession of liberty in their tribunes, and successive assemblies, Rome itself, and the territories about it, was trained up perpetually in arms, and the whole commonweal, by this means became one formal militia. A general exercise of the best part of the people in the use of arms, was the only bulwark of their liberty : this was reckoned the surest way to preserve it both at home, and abroad ; the majesty of the people being secured thereby, as well against domestic affronts from any of their own citizens, as against the foreign invasions of bad neighbours.

Their arms were never lodged in the hands of any, but such as had an interest in the public ; such as were acted by that interest, not drawn only by pay ; such as thought themselves well paid, in repelling invaders, that they might with freedom return to their affairs : for, the truth is, so long as Rome acted by the pure principles of a free-state, it used no arms to defend itself, but, such as we call, sufficient men ; such, as for the most part were men of estate, masters of families, that took arms (only upon occasion) *pro aris et focis*, for their wives, their children, and their country. In those days there was no

difference, in order, between the citizen, the husbandman, and the soldier : for, he that was a citizen, or villager yesterday, became a soldier the next, if the “ public liberty” required it ; and that being secured, by repelling of invaders, both foreign and domestic, immediately the soldier became citizen again : so that the first and best brave Roman generals, and soldiers, came from the plough, and returned thither when the work was over.

This was the usual course even before they had gained their tribunes and assemblies ; that is, in the infancy of the senate, immediately after the expulsion of their kings : for, then even in the senatic assembly, there were some sparks of liberty in being, and they took this course to maintain it.

The Tarquins being driven out, but having a party left still within, that attempted to make several invasions, with confidence to carry all before them : and yet in the intervals, we find not any form of soldiery ; only the militia was lodged and exercised in the hands of that party, which was firm to the “ interest of freedom,” who upon all occasions, drew forth at a nod of the senate, with little charge to the public, and so rescued themselves out of the claws of kingly tyranny.

Nor

Nor do we find in after-times, that they permitted a deposition of the arms of the Commonwealth in any other way, till that their empire increasing, necessity constrained them to erect a continued stipendiary soldiery (abroad in foreign parts) either for the holding, or winning of provinces. Then luxury increasing with dominion, the strict rule and discipline of freedom was soon quitted; forces were kept up at home, (but what the consequences were, stories will tell you) as well as in the provinces abroad.

The ambition of Cinna, the horrid tyranny of Sylla, the insolence of Marius, and the self-ends of divers other leaders, both before, and after them, filled all Italy with tragedies, and the world with wonder: so that in the end, the people seeing what misery they had brought on themselves, by keeping their armies within the bowels of Italy, passed a law to prevent it, and to employ them abroad, or at a convenient distance: the law was, “ That if any general marched over “ the river of Rubicon, he should be de-“ clared a public enemy.”

And in the passage of that river, this following inscription was erected, to put the men of arms in mind of their duty: *Imperator, siue miles, siue tyrannus armatus quisquis, sistito vexillum, armaq; deponito, nec citra*

*hunc amnem trajicito: "General, or soldier, or tyrant in arms, whosoever thou be, stand, quit thy standard, and lay aside thy arms, or else cross not this river."*

For this cause it was, that when Cæsar had presumed once to march over this river, he conceived himself so far engaged, that there was no retreat ; no game next, but have at all, advanceth to Rome itself, into a possession of the empire.

By this means it was, the Commonwealth having lost its arms, lost itself too, the power being reduced both effectually and formally into the hands of a single person, and his dependants, who, ever after, kept the arms out of the hands of the people.

Then followed the erecting of a Prætorian Band, instead of a public militia, he being followed herein by Augustus, and the rest of his successors, imitated of latter times by the grand seignor ; by Cosmus the first great duke of Tuscany ; by the Muscovite, the Russian, the Tartar, and the French, who by that means are all absolute ; and it was strongly endeavoured here too in England by the late king \*, who first attempted it by a design of introducing foreigners, viz. the German horse, and afterwards by corrupting of the natives ; as when he laboured the army in the North, in their return to rifle the parliament,

\* Charles I.

ment, neglected train-bands ; and at length, flew out himself into open arms against the nation.

So that you see, the way of freedom hath been to lodge the arms of a common-weal, in the hands of that part of the people, which are firm to its establishment.

Seventhly, that children should be educated and instructed in the principles of freedom. Aristotle speaks plainly to this purpose, saying ; “ That the institution of youth, should be accommodated to that form of government, under which they live ; forasmuch, as it makes exceedingly for preservation of the present government, whatsoever it be.” The reason of it appears in this ; Because all the tinctures and impression that men receive in their youth, they retain in the full age, though never so bad, unless they happen (which is very rare) to quell the corrupt principles of education, by an excellency of reason, and sound judgment.

And for confirmation of this, we might cite the various testimonies of Plutarch, Isocrates, with many more, both philosophers, orators, and others, that have treated of this particular, touching the education of children, as it relates either to domestic, or civil government : But we shall take it for granted, without more ado, supposing none

will deny, of what effect it is, in all the concerns of mankind, either in conversation, or in action.

The necessity of this point, appears from hence, as well as the reason, That if care be not taken to temper the youth of a Commonwealth with principles and humours suitable to that form, no sure settlement, or peace, can ever be expected: for schools, academies, with all other seed-plots, and seminaries of youth, will otherwise be but so many nurseries of rebellion, public enemies, and unnatural monsters that will tear the bowels of their mother country: and this neglect, if it follow an alteration of government, after a civil war, is so much the more dangerous; because, as long as youngsters are nursed up in the old ways and rudiments, by the old ill-affected paedagogues, there will ever be a hankering after the old government, which must ever be in a fair probability of return, when new generations shall be catechised into old tenets and affections, contrary to the establishment of a free-state; that being taken for the declared interest of this nation. Therefore, the consequence of such neglect is clearly this, That the enmity will be immortal, a settlement impossible: there must be a perpetual disposition to civil war, instead of civil society.

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Upon this account it was, that in Plutarch and Isocrates, we find so many good testimonies of the great care that was had amongst all the free-states of Greece in this particular, which tyed up their paedagogues and teachers to certain rules ; and selected certain authors to be read only, as classical, for the institution of their youth : and, that it was so in the days of Julius Cæsar, even in that barbarous country of Gallia, appears by Cæsar's own Commentaries, who tells, how that it was the main office of those famous men amongst them called Druides, to breed up their youth not only in religion, but also to instruct them in the nature of a Commonwealth, and mould them with principles answerable to the government.

If we reflect upon the two grand turns of state in Rome, the first, from a monarchy, to a free-state ; and then from a free-state, to a monarchy again ; they minister matter of notable observation in this particular.

In the first, we find how difficult it was for the Romans to preserve their freedom when they had gotten it, because most of the youth had been educated in monarchical principles, and such tutors were ever inclining that way upon the least opportunity : so that the sons even of Brutus himself, (who was the founder of their liberty) quitted that natural

natural affection which they owed unto their father and country ; and being swayed by the monarchic principles of corrupt education, drew in a great part of the Roman youth, (like themselves,) to join with them in a design for the bringing back of the Tarquins to the kingdom.

It is very observable also, what ado that Commonwealth had to settle, so long as any of the old stock of education were living, because those corrupt points of discipline and government, wherewith they were seasoned when young, could not be worn out with age ; but hurried many of them along with the storm of every insurrection and invasion of the public enemy.

On the other side, in the turn of a free-state, to a monarchy again, we see with what difficulty Cæsar met, in settling his own domination over a people that had been educated in a free-state, and in principles of freedom ; insomuch, that in the end it cost him his life, being stabbed for his usurpation by a combination of some of the senators, and the fact applauded not only by the people, but by Cicero, and all the Roman writers, and others that had been bred up under the form of freedom.

And afterwards, when Augustus took upon him the inheritance and title of his uncle Cæsar,

Cæsar, he did it, *lento pede*, very slowly and warily, for fear of conjuring up the same spirit in the people, that had flown into revenge against his uncle, for his rape upon their liberty.

And it is noted by Tacitus, that among the other advantages that Augustus had for his establishment, there was this: That he never declared himself, till, after many delays and shifts, for the continuation of power in his own hands, he got insensibly into the throne, when the old men were most of them dead, and the young generation grown up, having been pretty well educated and inured to his lordly domination. The words of Tacitus are these: “ All (saith he) was quiet in the city, the old names of the magistrates remained unchanged; the young men were all born after Augustus his victory at Actium: and the greatest part of the old men, during the civil wars: when the free-state was imbroiled and usurpt (in effect, though retained still in name by powerful and ambitious persons) so that when he assumed and owned the empire, there was not one man living, that had so much as seen the ancient form of government of a free-state; which indeed facilitated his design very much, the generation then living, being by his artifice and power, bred up

up to his own monarchy-interest and devotion."

We might be larger, but this is enough, to shew of what consequence the careful education of youth, is, in the constitution of government: and therefore, without doubt, it is one essential point to be observed in the establishment of a free-state, that all ways and means be used for their seasoning and instruction in the principles of freedom. -

Cautions  
for the  
people  
to ob-  
serve.

The eighth rule, is, that which more especially relates unto the people themselves in point of behaviour, viz. That being once possessed of liberty, they ought to use it with moderation, lest it turn to licentiousness; which, as it is a tyranny itself, so in the end it usually occasions the corruption and conversion of a free-state into monarchical tyranny: and therefore (by way of prevention) it is necessary to set down a few cautions.

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First, That in a free-state, it is above all things necessary to avoid civil dissension; and to remember this, That the uttermost remedy is not to be used upon every distemper or default of those that shall be intrusted with the people's power and authority: for, if one inconvenience happen in government, the correction, or curing of it by violence, introduceth a thousand: and for a man to think civil war, or the sword, is a way to be ordinarily

ordinarily used for the recovery of a sick-state, it were as great a madness, as to give strong waters in a high fever: or as if he should let himself blood in the heart, to cure the aking of his head.

And therefore, seeing that enormity of tumult, dissension, and sedition, is the main that hath been objected by tyrants, and their creatures, against the people's government, the only expedient to confute it is, That those people, that are or shall be settled, in a state of freedom, do (upon all occasions) give them the lie, by a discreet and moderate behaviour in all their proceedings, and a due reverence of such as they have once elected, and made their superiors.

And as this is most requisite on the one side; so on the other side, if there be just (but they must be sure it be just) cause to use sharp and quick remedies, for the cure of a Commonwealth, then (seeing all majesty and authority is really and fundamentally in the people, and but ministerially in their trustees, or representatives) it concerns the people by all means to see to the cure.

And that is, in a word, in such cases only, as appear to be manifest intrenchments (either in design, or in being) by men of power, upon the fundamentals, or essentials, of their liberty, without which, liberty cannot consist.

What those essentials are, may be collected out of the past-discourse ; the sense of all shall be illustrated by one instance.

It is that famous contention which lasted for three hundred years in Rome betwixt the senate and the people, about the dividing of such lands as were conquered and taken from the enemy.

The senators, they sharing the lands amongst themselves, allowed little, or none, unto the people ; which gave such discontents, that the people made a law to curb them ; enacting, 'That no senator should possess above 500 acres of land.'

The senators cried, it was against their liberty, thus to be abridged by the people : and the people cried, it was inconsistent with liberty, that the senators should thus greateren themselves by an ingrossment of wealth and power into their own hands. Livy saith, " The people in this, said right, and the senators did wrong : but that they both did ill, in making it a ground of civil diffension ;" for, in proces of time, when the Gracchi, who were supposed great patrons of liberty, took upon them to side with the people, they did, instead of finding out some moderate ways and expedients to reduce the senators to reason, proceed with such heat and violence, that the senate being jealous of their own safety,

safety, were forced to chuse Sylla for their general: which being observed by the people, they also raised an army, and made Marius their general: so that here you see it came to a down-right civil war.

The occasion, indeed, was given by the senators; (for, there was no reason they should grandise themselves in so gross a manner as they did) but yet the occasion ought not to have been so taken, and prosecuted with such violence as it was by the people: for seeing more temperate ways had been practised by their ancestors, and might have been found out again, to curb the ambition of their nobility in the senate: therefore, the people ought, first, to have tried those ways again, and have used all other means to have brought things about, rather than by a misguided heat and violence to rush into arms; which as it is the most desperate remedy, so it ought never to be used, but when all other courses have been tried in vain, and when the public liberty is really concerned by an imminent danger, or invincible necessity: for, this quarrel, which questionless might have been composed, was, through indiscretion, made the ground of so bloody a civil war, that what through fines, banishment, inhuman cruelties, acted on both sides, defeats in the open field,

field, and massacres within the city, it cost the best blood and estates of the nobility and commons; and in the end, it cost them also their liberty.

In what  
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remedy.

For it is worthy observation, that out of the root of this civil war, sprang that noble one, which was managed between Pompey and Cæsar, and which will serve to illustrate the other part of our discourse, in shewing, when it is that the people may make use of the utmost remedy; that is, in case of an intrenchment, manifestly designed and acted upon the public liberty. For Cæsar having given manifest cause of suspicion to the senate and people, by his acting amongst his soldiers; and then by a down-right march with them over Rubicon towards Rome, (which was treason by the law) this was a plain usurpation, and drew an invincible necessity, upon the people, and senate, to arm for their liberty, and commence a civil war under the conduct of Pompey; so that this last war was necessary as the other was needless, if they could have kept within the bounds of prudence and moderation.

We have a very notable instance also in our own nation, which may serve for a just example to all the world in point of behaviour. If we run over the catalogue of the late king's \* defaults in government, we find extraordinary

extraordinary patience in the people, notwithstanding his extraordinary incroachments from time to time. It were needless to reckon up the several monopolies, impositions, and other oppressions of the people, both in soul and body, which are made public and known to all the world; together with that highest of all practices, not only in dissolving parliaments abruptly, but professedly designing the ruin of parliaments, in depriving the people of their due succession. Yet notwithstanding all this, that desperate remedy of the sword was forborne; until invincible necessity did put it into their hands; for the preservation of themselves, with their rights and liberties.

And so by these examples; any people in a state of freedom, may be sufficiently instructed how to demean themselves, for the avoiding of licentiousness; tumult, and civil dissension, which are the principal inconveniences charged by royalists, upon free-states and commonwealths: from hence; also, may be observed all the necessary points of prudence, and forbearance, which ought to take place in respect of superiors, till it shall evidently appear unto a people, " that " there is a design on foot to surprize and " seize their liberties."

A second caution, is, in relation to their elective power, that in all elections of magistrates, they have an especial eye upon the public, in making choice of such persons only, as have appeared most eminent, and active, in the establishment and love of freedom.

In such hands the guardianship of Liberty may be safely placed, because such men have made the public interest, and their own, all one; and therefore will neither betray, nor desert it, in prosperity or adversity; whereas men of another qualification and temper, if they get into authority, care not to serve the public any further, than the public serves them, and will draw off and on as they find their opportunity: yea, and take this for a certain rule, that if any person be admitted into power, that loves not the commonwealth, above all other considerations, such a man is (as we say) every man's money; any state-merchant may have him for a factor: and for good consideration, he will often make returns upon the public interest, have a stock going in every party, and with men of every opinion, and (if occasion serve) truck with the common enemy, and commonwealth, both together.

But that you may see, I do not speak without book, it is Aristotle's opinion, as well

as mine; who faith, in the first of his *Politics*, being thus translated, *Per negligentiam mutatur status reipublicæ, cum ad potestates assumuntur illi qui præsentem statum non amant*: “The form of a commonwealth is then altered “by negligence, when those men are taken “into power, which do not love the present “establishment.” It is not only a way to preserve a commonwealth, to avoid those that hate it, but those also are as much to be avoided, that do not love it; that is, who are not earnestly wedded to it by an inward active principle of affection: and the reason is very evident, because their affections being of an indifferent nature, remain ready to run out into any form, interest, or party, that offers itself upon the least alteration or temptation whatsoever. For this, we might give you instances enough, and too much; but waving them it may suffice, that most of the broils, tumults, and civil dissensions, that ever happened in free-states, have been occasioned by the ambitious, treacherous, and indirect practices of such persons admitted into power, as have not been firm in their hearts to the interest of Liberty.

The truth of this is (omitting many others) to be seen in the Roman state, after its liberty was fully settled in a succession of the people's supreme assemblies.

For the nobility in the senate, being men of another interest (however they pretended) and, sometimes by cunning, sometimes by corrupting, getting trust from the people, did by combination and compliance with their fellow senators, so garble, perplex, and turmoil the people's affairs, concernments, and understandings, that at length, what they could never have done by force, as opposites, they effected by fraud, as friends, to deprive the people of a quiet and comfortable enjoyment of their freedom.

Faction,  
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A third caution is, That in all their elections of any into the supreme court, or councils, they be not led by any bent of faction, alliance, or affection, and that none be taken in, but purely upon the account of merit.

The former course hath ever been the occasion of discontents, fidings, and parties.

The latter stops the mouths of men, that perhaps are contrary-minded, and draws the consent and approbation of all the world, when they see men put in authority, that have a clear reputation of transcendent honesty and wisdom.

A fourth caution, is, That as it is the secret of Liberty, that all magistrates, and public officers, be kept in an accountable state, liable to render an account of their behaviour and actions; and also, that the people have freedom

freedom to accuse whom they please: so on the other side, it concerns them, above all things, to avoid false charges, accusations, calumniations against persons in authority, which are the greatest abuses and blemishes of Liberty, and have been the most frequent causes of tumult and dissension.

The people are to avoid all false charges against persons in authority.

The banishment, called Ostracism, among the Athenians, was instituted (at first) upon a just and noble ground: so was that called Petatism, among the Lacedemonians, to turn such out of the commonwealth, who had rendered themselves suspected against the common liberty: but yet the abuse of it afterwards proved most pernicious, to the embroiling of those states with civil dissension, when it was perverted by some petulant spirits, to an opposition of some few (and but few) of their best deserving citizens.

The Romans also, in their state of liberty, retained this freedom also, of keeping all persons accountable, and accusing whom they pleased; but then they were very cautious also, to retain that decree of the senate, called, Turpilianum, in full force and virtue, whereby a severe fine was set on the heads of all calumniators, and false accusers.

The due observation of this rule preserved that state a long time from usurpation by men in power on the one side, and from

popular clamour and tumults on the other side.

As the people are to avoid ingratitude, so likewise to have a care not to intrust any particular persons with an unlimited power. they should beware of ingratitude, and unhandsome returns, to such as have done eminent services for the commonwealth; so it concerns them, for the public peace and security, not to impose a trust in the hands of any person or persons, further than as they may take it back again at pleasure.

The reason is, because (as the Proverb faith) *honores mutant mores*; “Honours change men’s manners;” accessions, and continuations of power and greatness, expose the mind to temptations: they are sails too big for any bulk of mortality to steer an even course by.

The kingdoms of the world, and the glories of them, are baits that seldom fail when the Tempter goes a-fishing: and none but He that was more than man, could have refused them. How many free-states and commonwealths have paid dear for their experience in this particular? who by trusting their own servants too far, have been forced, in the end, to receive them for their masters. Nor is it to be wondered at by any, considering that immoderate power soon lets in high and ambitious thoughts; and where they are once admitted, no design so

so absurd, or contrary to a man's principles, but he rusheth into it, without the least remorse or consideration: for the spirit of ambition is a spirit of giddiness; it foxes men that receive it, and makes them more drunk than the spirit of wine.

So that were they never so wise, just and honest before, they afterwards become the contrary, mere sots, *non compos mentis*, being hurried on without fear or wit, in all their undertakings: and therefore, without question, it highly concerns a people that have redeemed and rescued their liberties out of the hands of tyranny, and are declared a free-state, so to regulate their affairs, that all temptations, and opportunities of ambition, may be removed out of the way: or else there follows a necessity of tumult and civil dissension, the common consequence whereof hath ever been a ruin of the public freedom.

Thus Cæsar, who first took arms upon the public score, and became the people's leader, letting in ambitious thoughts to his unbounded power, soon shook hands with his first friends and principles, and became another man: so that upon the first fair opportunity, he turned his arms on the public liberty.

Thus did Sylla serve the senate, and

Marius also the people, being the same tyrant, in effect, though not in name, nor in an open manner.

Thus did Pisistratus at Athens, Agathocles in Sicily, Cosmos, Soderino, and Savanarola in Florence, Castrucio in Lucca; and others, in many other places: nor must it be forgotten what the family of Orange would have done in Holland; for upon the very same account have usurpations been commenced in all free-states throughout the world.

Treason  
against  
the peo-  
ple's li-  
berties,  
not to be  
pardoned.

The ninth, and last rule, for preservation of the public freedom, is this, That it be made an unpardonable crime, to incur the guilt of treason against the interest and majesty of the people.

And for the clearing of this, it will be requisite to muster up those various particulars that come within the compass of treason, according to the practice and opinion of other nations. The first remarkable treason in old Rome, after its “establishment in a state of freedom,” was that of Brutus his sons, who entered into a formal conspiracy for the bringing back of the Tarquins to the kingdom by force of arms.

This Brutus was the founder of the Roman liberty; and therefore one would have thought the young men might have obtained an easy pardon: but such was the zeal of the

the Romans, for the preservation of their freedom, that they were all put to death without mercy ; and, that all others in time to come, might be deprived of the least hope of being spared upon the like occasion, their own father was the man most forward to bring them to execution.

This was treason in gross: but in after-time, there started up more refined pieces of treason ; as may be collected out of the actions of Mælius and Manlius, two persons that had deserved highly of the commonwealth ; but especially the latter, who saved it from ruin, when the Gauls had besieged the Capitol.

Nevertheless, presuming afterwards upon the people, because of his extraordinary merits, he, by greating himself beyond the size of a good citizen, and entertaining thoughts and counsels of surprizing the people's liberties, was condemned to death ; but yet not without the people's pity (as indeed it was an unhappy necessity, that they should be forced to destroy him that had saved them from destruction.) To the same end came Mælius also, upon the like occasion.

Another sort of treason there was contrived likewise against that people.

And that was by those magistrates, called  
the

the Decemviri, touching whose actions, and the ground of their condemnation, I only let you know,

That you may be sufficiently informed by other pens than mine; such as the historians Livy, Pomponius, Dionysius, and others, that have written of the Roman affairs and antiquities.

A fourth sort of treason against that people, was manifest usurpation, acted over and over, long before the time of Cæsar.

Some other particulars also, there were, of less consideration, that came within the compass of treason; and in all, they were very strict to vindicate the interest of the commonwealth, without respect of persons.

To those passages out of the old commonwealth of Rome, let us add the rest we have to say about this point, out of the practices of the present state of Venice, the most exact for punctilio of that nature that ever was in the world; and therefore, questionless, it is the most principal cause of her so long continuance: It is, there, death without mercy, for any man to have the least attempt, or thought, of conspiring against the commonweal, and in several other cases, as followeth.

Secondly, it is treason in case any senator betray counsels: there it is an unpardonable crime,

crime, and such a mortal sin, that draws on death without mercy.

This severity also, was retained in the Roman state, where such as became guilty of this crime, were either burnt alive, or hanged upon a gibbet: “Hereupon,” (saith Valerius Max. lib. 2.) “when any matter was delivered, or debated, it was, as if no man had heard a syllable of what had been said among so many:” from whence it came to pass, that the decrees of their senate were called *Tacita*, that is to say, things concealed; because never discovered, until they came to execution.

Thirdly, it is treason, without mercy, for any senators, or other officers of Venice, to receive gifts or pensions, from any foreign prince, or state, upon any pretence whatsoever. It was an old Proverb among the Heathens, “That the gods themselves might be taken with gifts:” and therefore the consequences must needs be dangerous, in the inferior courts of states and princes; since nothing can be carried in this case, according to “native interest,” and “sound reason;” but only by pluralities of foreign dictates, and compliances: but in Venice they are so free from this treacherous impiety, that all states which transact with them, must do it above-board, consult before-

fore-hand with their brains, and not their purses: so that (as Thuanus saith) the king of France needs not use much labour to purchase an interest with any prince, or state in Italy, unless it be the “Venetian republic,” where all foreign compliances, and pensioners, are punished with utmost severity; but escape well enough, in other places.

Fourthly, it is treason for any of her senators to have any private conference with foreign ambassadors and agents. It is very observable also, among our neighbours of the Low-Countries, that one article of the charge, whereby they took off Barneveldt’s head, was, for that he held familiarity and converse with the Spanish ambassador, at the same time when Spain was an enemy.

Thus you have a brief description of treason, in the most notable kinds of it, according to the customs and opinions of two of the most eminent free-states, (which may serve instead of all the rest) that have been in the world; who, as a principal rule and means for the preservation of freedom, made it a crime unpardonable, to incur the guilt of treason, in any of these kinds against the interest and majesty of the people in a free-state.

We now return to the former main point  
of

of this discourse, in tracing out the remainders of those errors that have been received in the practice of policy.

A fourth error in policy, and which is indeed epidemical, hath been the regulation of affairs by reason of state, not by the strict rule of honest. But for fear being mistaken, you are to understand, that by reason of state here, we do not condemn the equitable results of prudence and right reason; for upon determinations of this nature depends the safety of all states, and princes; but that reason of state that flows from a corrupt principle to an indirect end; that reason of state which is the statesman's reason, or rather his will and lust, when he admits ambition to be a reason, preferment, power, profit, revenge, and opportunity, to be reason, sufficient to put him upon any design of action that may tend to the present advantage; though contrary to the law of God, or the law of common honesty and of nations.

A more lively description of this strange Pocus called " reason of state," take as followeth. It is the most sovereign commander, and the most important counsellor. Reason of state is the care and compass of the ship, the life of a state. That which answers all objections, and quarrels, about mal-government. That's it, which makes war, imposes

A new reason of state preferred before rules of honesty, is an error in policy.

poses taxes, cuts off offenders, pardons offenders, sends and treats ambassadors.

It can say and unsay, do and undo, balk the common road, make high-ways to become by-ways, and the furthest about, to become the nearest cut. If a difficult knot come to be untied, which neither the divine by scripture, nor lawyer by case or precedent can untie, then reason of state, or a hundred ways more, which idiots know not, dissolves it. This is that great empress which the Italians call *raggione di stato*. It can rant as a soldier, compliment as a Monsieur, trick it as a juggler, strut it as a statesman, and is as changeable as the moon, in the variety of her appearances.

But we may take notice of a more excellent way in opposition to this sandy foundation of policy, called “ reason of state,” viz. a simple reliance upon God in the vigorous and present actings of all righteousness, express by honest men, in plain language, to this effect; *fiat justitia, & fractus illabatur orbis*; “ Deal uprightly, walk close and real to “ your promises and principles; though the “ fabrick of heaven and earth should fall, yet “ God is able to support; he expects but so “ much faith as will counterpoise a grain of “ mustard seed.” Besides, in following singly, a just and righteous principle, a man gains this

this advantage, that he may go on boldly, with a mind free from that torturing solicitude of success; (he is subject to none of those heats and colds, those fits and frights, where-with men are perpetually vexed, for fear of discovery or miscarriage, when they have once intangled themselves in any by-acting of engagements) he either prospers, to the great good of his nation, or else dies with honour and triumph.

But those that follow the other principle of “ human invention,” and serve that Italian goddes, *raggione di stato*, they may live awhile as gods, but shall die like men, and perish like one of the princes.

But because words will not serve the turn, take a few examples of those many that might be fetched from all ages, and nations. It was “ reason of state” made Pharaoh hold the Israelites in bondage, and afterwards, when they were freed, to endeavour to bring them back again to their old slavery: but you know what he came to. It was “ reason of state” that made Saul to spare Agag, and plot the ruin of David.

It was “ reason of state” that made Jero-boam to set up calves in Dan and Bethel.

It was “ reason of state,” (and a shrewd one too) when Achitophel caused Absalom to defile his father’s concubines in the sight of all

all Israel. You know what end they both came to. It was the same, that caused Abner, first, to take part with the house of Saul, and that caused Joab to kill him after he came to be his rival in fame, and the favour of David: their ends were both bloody.

Hence it was, that Solomon having pardoned Adonijah, thought fit afterwards to put him to death, upon a very slender occasion.

And Jehu, though he had warrant from God to destroy all the house of Ahab his master; yet because in the execution of it, he mingled “ reason of state,” in relation to his own interest, and minded the establishment of himself thereby, more than the command and honour of God, in the execution of justice: therefore God cursed him for his pains, threatening by the mouth of the prophet Hosea, to avenge the blood of Ahab’s family upon the house of Jehu.

It was “ reason of state” that moved Herod to endeavour the destruction of Christ, as soon as he was born.

It was “ reason of state” in the Jews, (lest the Romans should come and take away their place and nation) and in Pilate, (lest he should be thought no friend to Cæsar) that made them both join in crucifying the Lord of

of glory, and incur that heavy curse, which at length fell upon the Jewish place and nation.

It is “ reason of state” that makes the Pope and the Cardinals stick so close one to another, and binds them and the monarchs of Christendom in one common interest, for the greatness of themselves, and the enslaving of the people ; for which, a sad destruction doth attend them.

It was “ reason of state” that destroyed so many millions of men (forsooth) in the “ holy war ;” that so princes might not have time to take notice of the Pope’s usurpation, nor the people leisure and opportunity to call their princes to an account for their unbounded tyranny.

It was “ reason of state” that was pleaded in behalf of Borgia, to justify all his villanies, in wading through so much blood and mischief to a principality in Italy ; but he escaped not, to enjoy the fruit of all his labour.

It was the same devil that made Henry the IVth of France, to renounce his religion, and turn Papist, to secure himself from popish revenge ; but God punished him, and sent a popish dagger through his heart.

It made Richard the third in England, to butcher his own nephew ; for which, vengeance pursued him, being at last tied athwart a

horse-back, naked and bloody, like a calf of the shambles.

It made Henry the VIIth to extinguish the line of Plantagenet, and his son after him, not only to dabble his hands in the blood of many, but to persecute the protestants, notwithstanding that he fell heavy also upon the Papists.

It made his daughter Mary to fill up the measure of her father's iniquities, as they could not be expiated by the virtues of her sister, and successor, whose only fault was, in following reason of state so far, as to serve the interest of monarchy, above that of religion, by upholding an order of prelacy; so that in her the direct line of that family ended.

After this, it was wicked reason of state that continued monarchy, and brought in a Scotchman upon us. This was James, who was so great an admirer of reason of state, that he adopted it for its own darling, by the name of "King-craft:" and his motto, "No Bishop, no King," shewed, that he preferred reason of state before the interest of religion; as in other things, before honesty: witness, among many other, his quitting the cause of God, and the Palatinate, to keep fair with the house of Austria: for which, and for the same reason of state,

put

put in practice by his son Charles, for the ruin of religion and liberty, by a bloody war, the whole family hath been brought to a sad destruction.

These examples are sufficient to shew that reason of state, preferred before the rule of honesty, is an error in policy with a vengeance; as they that will not believe, shall be sure to feel it, since it brings unavoidable ruin, not only to particular persons, but upon whole families and nations.

A fifth error in policy hath been this, viz. A permitting of the legislative and executive powers of a state, to rest in one and the same hands and persons. By the legislative power, we understand the power of making, altering, or repealing laws, which in all well-ordered governments, hath ever been lodged in a succession of the supreme councils of assemblies of a nation.

By the executive power, we mean that power which is derived from the other, and by their authority transferred into the hand or hands of one person (called a prince) or into the hands of many (called states) for the administration of government, in the execution of those laws. In the keeping of these two powers distinct, flowing in distinct channels, so that they may never meet in one,

A uniting of the legislative and executive powers in one and the same hands, an error in policy.

*Montesquieu*

sake upon some short extraordinary occasion, confiscts the safety of a state.

The reason is evident ; because if the law-makers (who ever have the supreme power) should be also the constant administrators and dispensers of law and justice, then (by consequence) the people would be left without remedy, in case of injustice, since no appeal can lie under heaven against such as have the supremacy ; which, if once admitted, were inconsistent with the very intent and natural import of true policy : which ever supposeth, that men in power may be unrighteous ; and therefore (presuming the worst) points always, in all determinations, at the enormities and remedies of government, on the behalf of the people.

For the clearing of this, it is worthy your observation ; that in all kingdoms and states whatsoever, where they have had any thing of freedom among them, the legislative and executive powers have been managed in distinct hands : that is to say, the law-makers have set down laws, as rules of government ; and then put power into the hands of others (not their own) to govern by those rules ; by which means the people were happy, having no governors, but such as were liable to give an account of government

to

to the supreme council of law-makers. And on the other side, it is no less worthy of a very serious observation, that kings and standing states never became absolute over the people, till they brought both the making and execution of laws into their own hands: and as this usurpation of theirs took place by degrees, so unlimited arbitrary power crept up into the throne, there to domineer over the world, and defy the liberties of the people.

Cicero, in his second book *De Offic.* and his third, *De Legibus*, speaking of the first institution of kings, tells us, how they were at first left to govern at their own discretion without laws. Then their wills, and their words, were law; the making and execution of laws was in one and the same hands.

But what was the consequence? Nothing but injustice, and injustice without remedy, till the people were taught by necessity to ordain laws, as rules whereby they ought to govern. Then began the meeting of the people successively in their supreme assemblies, to make laws; whereby kings (in such places as continued under the kingly form) were limited and restrained, so that they could do nothing in government, but what was agreeable to law; for which they were accountable, as well as other officers were in

other forms of government, to those supreme councils and assemblies. Witness all the old stories of Athens, Sparta, and other countries of Greece, where you shall find, that the law-making, and the law-executing powers, were placed in distinct hands under every form of government: for, so much of freedom they retained still under every form, till they were both swallowed up (as they were several times) by an absolute domination.

In old Rome, we find Romulus their first king cut in pieces by the senate, for taking upon him to make and execute laws at his own pleasure. And Livy tells us, that the reason why they expelled Tarquin their last king, was, because he took the executive and legislative powers both into his own hands, making himself both legislator and officer, *inconsulto senatu*, "without advice, and in defiance of the senate."

*D' Rice*

Kings being cashiered, then their standing-senates came in play, who making and executing laws, by decrees of their own, soon grew intolerable, and put the people upon divers desperate adventures, to get the legislative power out of their hands, and place it in their own; that is, in a succession of their supreme assemblies: But the executive power they left, part in the hands of officers of their own, and part in the senate; in which

which state it continued some hundreds of years, to the great happiness and content of all, till the senate by sleights and subtleties got both powers into their own possession again, and turned all into confusion.

Afterwards, their emperors (though usurpers) durst not at first turn both these powers into the channel of their own unbounded will; but did it by degrees, that they might the more insensibly deprive the people of their liberty, till at length they openly made and executed laws at their own pleasure, being both legislators and officers, without giving an account to any: and so there was an end of the Roman liberty.

To come nearer home, let us look into the old constitution of the commonwealths and kingdoms of Europe. We find in the Italian states, Venice, which having the legislative and executive power, confined within the narrow pale of its nobility in the senate, is not so free as once Florence was, with Siena, Milan, and the rest; before their dukes, by arrogating both those powers to themselves, wormed them out of their liberty.

Of all those states there, only Genoa remains in a free posture, by keeping the power of legislation only in their supreme assemblies, and leaving the execution of law in a titular

duke and a council. The keeping of these powers asunder within their proper sphere, is one principal reason why they have been able to exclude tyranny out of their own state, while it hath run the round in Italy.

What made the Grand Seignior absolute of old, but his ingrossing both these powers? and of late the kings of Spain and France? In ancient times the case stood far otherwise; for in Ambrosio Morales his Chronicle you will find, that in Spain the legislative power was lodged only in their supreme council, and their king was no more but an elective officer, to execute such laws as they made, and in case of failing, to give them an account, and submit to their judgments, which was the common practice; as you may see also in Mariana. It was so also in Aragon, till it was united to Castile, by the marriage of Ferdinand and Isabel; and then both states soon lost their liberty, by the projects of Ferdinand and his successors, who drew the powers of legislation and execution of law, within the verge and influence of the prerogative royal: whilst these two powers were kept distinct, then these states were free; but the ingrossing of them in one and the same hands, was the loss of their freedom.

France likewise was once as free as any nation

nation under heaven: though the king of late hath done all, and been all in all, till the time of Lewis the XIth, he was no more but an officer of state, regulated by law, to see the laws put in execution; and the legislative power (that) rested in the assembly of the three estates; but Lewis by snatching both these powers into the single hands of himself, and his successors, rookt them out of their liberty; which they may now recover again, if they have but so much manhood, as to reduce the two powers into their ancient, or into better channels.

This pattern of Lewis was followed close by the late\* king of England, who by our ancient laws, was the same here, that Lewis ought to have been in France, an officer in trust, to see to the execution of the laws: but by aiming at the same ends which Lewis attained, and straining, by the ruin of parliaments, to reduce the legislative power, as well as the executive into his own hands, he, instead of an absolute tyranny, which might have followed his project, brought a swift destruction upon himself and family.

Thus you see it appears, that the keeping of these two powers distinct, hath been a ground preservative of the people's interest, whereas their uniting hath been its ruin all along in so many ages and nations.

A sixth

\* Charles I

Affairs of  
state trans-  
acted by  
a few, is  
an error  
in policy.

A sixth error in policy, observable in the practices of other times and nations, hath been a reducing transactions, and the interests of the public, into the disposition and power of a few particular persons. The ill consequences whereof have ever been these; that matters were not wont to be carried by fair, friendly, and legal debates, but by design and surprizal; not by freedom, and consent of the people, in their open assemblies; but according to the premeditated resolutions, and forestalments of crafty projectors in private cabinets, and junto's; not according to the true interest of state, but in order to the serving of men's ends; not for the benefit and improvement of the people, but to keep them under as ignorant of true liberty, as the horse and mule; that they might be bridled and saddled, and ridden, under the wise pretences of being governed and kept in order. But the grand and worse consequences of all, hath been this; that such colleagues, partners, and ingrossers of power having once brought about their ends by lying practices upon the people; have ever fallen into fits of emulation against themselves, and the next design hath ever been to rook their fellows, and rid themselves of competitors; so that at length they have been their own executioners, and ruined one another. And had it been only the destruction of

of themselves, the matter were not considerable ; but the people having by this means been torn with civil dissensions, and the miseries of war, by being drawn into parties, according to their several humours and affections ; the usual event ever was, that in the end they have been seized as the prey of some single tyrant.

An example of this there was in the state of Athens, under the government of those thirty men, who usurped the power into their own hands, and were afterwards called the thirty tyrants, for their odious behaviour ; for Xenophon tells us, that they drew the determinations of all things into their own closets, but seemed to manage them, *calculis & suffragiis plebis*, “ by the votes of the people,” which they had brought to their own devotion in the assembly, to countenance their proceedings. And their custom was, if any sort of men complained, and murmured at their doings, or appeared for the public, immediately to snap them off by the loss of life or fortune, under a pretence of being seditious and turbulent fellows against the peace of their tyranny. These junto-men had not been many months in possession, but they began to quarrel with one another ; and the reason why the game went not on, against one another, was ; because the people took it out

out of their hands, and diverted the course of their spleen against each other, into a care of mutual defence, they being assaulted on every side, by popular arms and clamours, for the recovery of liberty. So you see the event of these thirty men's combination, was no less than a civil war ; and it ended in their banishment. But as great a mischief followed, for a new junto of ten men got into their places, whose government proving little less odious than the former, gave an occasion to new changes, which never left shifting, till at last they fell into a single tyranny. And the wilder sort of people, having by a sad experience, felt the fruits of their own error, in following the lusts and parties of particular powerful persons, grew wise ; and combining with the honestest sort, they all as one man, set their shoulders to the work, and restored the primitive majesty and authority of their supreme assemblies.

Herodotus in his second book, tells us, that monarchy being abolished in Egypt, after the death of king Setho, and a declaration published for the freedom of the people, immediately the administration of all affairs was engrossed in the hands of twelve grandees, who having made themselves secure against the people, in a few years fell to quarrelling with one another (as the manner is)

is) about their share in the government. This drew the people into several parties, and so a civil war ensued; wherein Psammeticus (one of the twelve) having slain all his partners, left the people in the lurch, and instead of a free-state, seated himself in the possession of a single tyranny.

But of all old instances, the most famous are the two triumvirates that were in Rome. The first was that of Pompey, Cæsar, and Crassus, who having drawn the affairs of the empire, and the whole world into their own particular hands, acting and determining all in a private junto of their own, without the advice or consent of the senate and people, unless it were now and then to make stalking horses of them, for the more clearly conveyance of some unpleasing design: these men, having made an agreement among themselves, that nothing should be done in the commonwealth, but what pleased their own humour, it was not long ere the spirit of ambition set them flying at the faces of one another, and drew the whole world upon the stage, to act that bloody tragedy, whose catastrophe was the death of Pompey, and the dominion of Cæsar. The second triumvirate was erected after the fatal stab given to Cæsar in the senate, between Octavius (afterwards emperor by the name of Augustus,) Lepidus, and

and Anthony : these having drawn all affairs into their own hands, and shared the world between them, presently fell a bandying against one another. Augustus picking a quarrel with Lepidus, gave him a lift out of his authority, and confined him to a close imprisonment in the city. This being done first, he had the more hope and opportunity next for the outing of Anthony : he picks a quarrel with him too, begins a new civil war, wherein Rome and a great part of the world was engaged to serve his ambition ; and things being brought to the decision of a battle, and the ruin of Anthony, he afterwards seated, and secured himself in the enjoyment of a single tyranny

Omitting many other instances, here in England, it is worthy observation, that in the great contest between Henry the third, and the barons, about the liberties of themselves and the people, the king being forced at length to yield, the lords, instead of freeing the nation indeed, ingrossed all power into their own hands, under the name of the twenty-four conservators of the kingdom, and behaved themselves like *totidem tyranni*, "so many tyrants," acting all in their own names, and in junto's of their own, wholly neglecting, or else over-ruling parliaments. But then not agreeing among themselves, there

were three or four of them defeated the other twenty, and drew the entire management of affairs into their own hands, viz. the earls of Leicester, Gloucester, Hereford, and Spencer; yet it continued so not long; for, Leicester getting all into his own power, fell at enmity with Gloucester, and was defeated by him.

At length, Leicester putting his fortune to a battle, was slain; and the king thereupon, getting all power back again, took advantage of that opportunity for the greatening of himself, and prerogative.

And so you see, all that the people got by the effusion of their blood, and loss of their peace, was, that instead of one tyrant, they had twenty-four, and then four; and after them a single usurper, (which was Montfort, earl of Leicester) and he being gone, they were forced to serve their old tyrant Henry the third again, who, by this means, became the more secure and firm in his tyranny: whereas if they had dealt like men of honour, and made the nation as free as they pretended, not ingrossing all into their own private hands, but instituting the liberty of England paramount above the regal prerogative, in a due and constant course of successive parliaments (without which liberty is but a mere name and shadow), then all the succeeding inconveniences

inconveniences had been surely prevented : the bloody bickering afterwards might have been avoided, their own persons and honours preserved, kings either cashiered or regulated, as they ought to have been, and the whole nation freed from those after-gripes and pangs, inflicted by that Henry and his corrupt line of successors.

The world affords many instances of this kind, but these are sufficient to manifest the fatal consequences that have happened, in permitting public transactions and interests to be ingrossed, and rest in the power of a few particular persons, and that it deserves to be marked (as one fault) with a black coal, as a most pernicious error in policy.

Driving  
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and par-  
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policy.

A seventh error in policy, is the driving of factions and parties. Now that you may know what faction is, and which is the factious party in any state or kingdom, afflicted with that infirmity ; the only way is first to find out the true and declared interest of state ; and then if you observe any designs, counsels, actings, or persons, moving in opposition to that which is the true public interest, it may be infallibly concluded, that there lies the faction, and the factious party, which is so much the more dangerous, in regard it not only afflicts and tears commonwealths with divisions and discords at home, but in the end

end exposes them to the mercy (or rather) the malice of some public enemy, either at home, or from abroad, and brings a sad desolation and ruin upon the estates, lives, and liberties of the people.

There is a notable faction we read of in this Roman story, which was that of the Decemviri, who being intrusted with the government, and the time of their trust expired, they, instead of making a resignation, combined together for the perpetuation of the power in their own hands, contrary to the intent of their first election, and in defiance of that which twelve months before had been declared the interest of the commonwealth. The grand engineer among them was Appius Claudius, who managed his design by promising the nobility, that if they would stick to the Decemviri, then the Decemviri would stick to them, and join with them, in keeping under the people and their tribunes, and to defeat them of their successive assemblies. By this means he sowed the seeds of an immortal enmity between the senate and the people; though himself and his colleagues were notwithstanding deceived of their own establishment, and soon cashiered from their imperious domination.

If we consider also what befel Carthage, and how it came to ruin: the story tells us,

it was occasioned by their factions, the whole senate being divided betwixt two potent families of Hannibal and Hanno; by which means they were disenabled from carrying on their war with unanimity and alacrity, as was requisite against such wary gamesters as the Romans, who made such use of their civil dissensions, that they soon laid the glory of that famous republic in the dust.

It was faction and civil dissension that destroyed Rome itself: that is to say, her liberty, and made her stoop under the yoke of Cæsar.

And it must not be omitted, that when her liberty was first established, and Tarquin expelled, he had like to have made his way back again, by reason of their divisions. And though he missed his aim there, yet Pisistratus, another tyrant, being driven out of Athens, made a shift to get in again, by reason of their mutual divisions.

It was the same devil of faction, and civil dissension, (as Philip de Comines tells us) that made way for the Turk into Hungaria, as it let him in before into Constantinople; that admitted the Goths and Vandals into Spain and Italy; the Romans into Jerusalem, first under Pompey; and afterwards under Vespasian and Titus.

It was the cause why Genoa, for a time, was

was content to submit to the family of Sforza, dukes of Milan. It brought the Spaniard into Sicily and Naples ; and the French once into Milan, where they ou ted the a forenamed family of Sforza.

From hence, therefore, let us conclude, that no error is more dangerous, no treason more pernicious to a commonwealth, than the driving of faction.

An eighth and last error, observable in practice of times and nations, hath been a <sup>Breach of</sup> <sup>vows and</sup> violation of faith, principles, promises, and <sup>a main</sup> engagements, upon every turn of time, and <sup>error in</sup> advantage. An impiety that ought to be exploded out of all nations, that bear the name of Christians : and yet we find it often pass, among the less discerning sort of men, for admirable policy : and those impostors that used it, have had the luck to be esteemed the only politicians. But yet, lest so many wise men of the world, as have been given up to this monstrous vanity, should be thought to have no reason for it, I remember, I find it usually express in Machiavel, to be this, because the greatest part of the world being wicked, unjust, deceitful, full of treachery and circumvention, there is a necessity that those which are downright, and confine themselves to the strict rule of honesty, must ever look to be over-reached by the knavery

of others. And take this for certain, (saith he) *Qui se virum bonum omnibus partibus profiteri studet, eum certè inter tot non bonos periclitari necesse est.* “ He which endeavours to “ approve himself an honest man to all parties, “ must of necessity miscarry among so many “ that are not honest.” Because some men are wicked and perfidious, I must be so too. This is a sad inference, and fit only for the practice of Italy, where he wrote it.

The ancient Heathen would have loathed this ; and the Romans (who were the noblest of them all) did in all their actions detest it, reckoning plain honesty to have been the only policy, and the foundation of their greatness. *Favendo pietati fideique, populus Romanus ad tantum fastigii pervenerit.* “ The people of “ Rome attained to so great a height, by ob- “ serving faith and piety :” whereof you shall see an instance or two.

In the war between them and Porsena king of the Tuscans, it so happened, that their city was besieged by Porsena : but peace being made, upon some advantageous conditions for the Tuscans, the Romans, for the performance of their conditions, were forced to yield up divers noble virgins.

These virgins, after some time, made an escape from the Tuscans, and came back to Rome, but were demanded again.

Hereupon

Hereupon the senate, though they were then recovered, and in a posture able to have defied the Tuscans, and denied the performance of those harsh conditions, chose rather to preserve their faith inviolate, than to take the present advantage ; and so delivered up the virgins.

The behaviour also of Attilius Regulus, is very memorable, who being prisoner at Carthage, and condemned to a cruel death, was, notwithstanding, permitted to go to Rome, upon his bare parole, to propound certain terms to the senate ; which if they yielded, then he was to have his liberty : if not, he was to return again to Carthage, and to suffer.

The senate not yielding, he, rather than violate his faith, did return, and suffer, being put into a barrel spiked with nails, and tumbled down a hill by the Carthaginians. Nor was it the temper only of a few persons ; but general throughout the whole nation, as might be shown by innumerable examples ; especially in their leagues and treaties with other nations.

But that you may the better know, and avoid the impious impostors, I shall represent them in Machiavel's own language ; who in that unworthy book of his, entitled, " *The Prince*," hath made a most unhappy descrip-

tion of the wiles that have been used by those jugglers ; and thereby left a lesson upon record, which hath been practised ever since by all the state-rooks in Christendom. And therefore, since they have made so ill use of it, I suppose the best way to prevent the further operation of the poison, is, to set it down here before you, (as I shall do *verbatim*, without adding, or diminishing a syllable) and then make two or three inferences thereupon, for the practice of the people.

*“ In what manner princes ought to keep their words.* How commendable in a prince it is to keep his word, and live with integrity, not making use of cunning and subtlety, every one knows well : yet we see by experience, in these our days, that those princes have effected great matters, who have made small reckoning of keeping their words, and have known by their craft, how to turn and wind men about, and in the end overcome those who have grounded upon the truth.

“ You must then know, there are two kinds of combating or fighting : the one, by right of the laws : the other, merely by force. That first way is proper to men : the other is also common to beasts. But because the first many times suffices not, there is a necessity to

to make recourse to the second: wherefore, it behoves a prince to know how to make good use of that part which belongs to a beast, as well as that which is proper to a man.

“ This part hath been covertly shewed to princes by ancient writers; who say, that Achilles, and many others of those ancient princes, were intrusted to Chiron the Centaur, to be brought up under his discipline. The moral of this, having for their teacher, one that was half a beast, and half a man, was nothing else, but that it was needful for a prince to understand how to make his advantage of the one, and other nature, because neither could subsist without the other.

“ A prince then being necessitated to know how to make use of that part belonging to a beast, ought to serve himself of the conditions of the fox and the lyon; for the lyon cannot keep himself from snares, nor the fox defend himself against the wolves. He had need then be a fox, that he may beware of the snares; and a lyon that he may scare the wolves. Those that stand wholly upon the lyon, understand not themselves.

“ And therefore a wise prince cannot, nor ought not to keep his faith given, when the observance thereof turns to disadvantage, and

the occasions that made him promise, are past: for if men were all good, this rule would not be allowable; but being they are full of mischief, and will not make it good to thee, neither art thou tied to keep it with them: nor shall a prince ever want lawful occasions to give colour to this breach. Very many modern examples hereof might be alledged, wherein might be shewed, how many peaces concluded, and how many promises made, have been violated and broken by infidelity of princes; and ordinarily things have best succeeded with him that hath been nearest the fox in condition.

“ But it is necessary to understand, how to set a good colour upon this disposition, and be able to feign and dissemble throughly; and men are so simple, and yield so much to the present necessities, that he who hath a mind to deceive, shall alw ys find another that will be deceived. I will not conceal any of the examples that have been of late; Alexander the Sixth never did any thing else, than deceive men, and never meant otherwise, and always found whom to work upon; yet never was there man that would protest more effectually, nor aver any thing with more solemn oaths, and observe them less than he: nevertheless, his cozenage thrived well with

with him, for he knew how to play his part cunningly.

“Therefore is there no necessity for a prince to be endued with all those above written qualities, but it behoves well that he seem to be so: or rather I will boldly say this, that having those qualities, and always regulating himself by them, they are hurtful; but seeming to have them, they areadvantageous, as to seem pitiful, faithful, mild, religious, and indeed to be so (provided withal thou beest of such a composition, that if need require thee to use the contrary, thou canst, and knowest how to apply thyself thereto.) And it suffices to conceive this, that a prince, and especially a new prince, cannot observe all these things, for which men are held good, he being often forced, for the maintenance of his state, to do contrary to his faith, charity, humanity, and religion. And therefore it behoves him to have a mind so disposed as to turn and take the advantage of all winds and fortunes; and as formerly I said, not forsake the good while he can; but to know to make use of the evil upon necessity. A prince then ought to have a special care, that he never let fall any words, but what are all seasoned with the five above written qualities: and let him seem to him that sees and knows him, all pity, all faith, all integrity,

tegrity, all humanity, all religion ; nor is there any thing more necessary for him to seem to have, than the last quality : for all men in general judge thereof, rather by the sight than by the touch ; for every man may come to the sight of him, few come to the touch and feeling of him ; every man may come to see what thou seemest ; few come to understand and perceive what thou art : and those few dare not oppose the opinion of many, who have the majesty of state to protect them. And in all men's actions, especially those of princes, wherein there is no judgment to appeal unto, men forbear to give their censures till the events, and ends of things. Let a prince therefore take the surest courses he can to maintain his life and state, the means shall always be thought honourable, and commended by every one : for the vulgar is ever taken with the appearance and event of a thing, and for the most part of the people, they are but the vulgar, the others that are but few, take place where the vulgar have no subsistence. A prince there is in these days, whom I shall not do well to name, that preaches nothing but peace and faith, but had he kept the one and the other, several times had they taken from him his state and reputation."

This

This is the old court Gospel, which hath gained many thousand of profelytes, among the great ones, from time to time, and the inferences arising thence in behalf of the people, in brief are these: That since the great ones of the world have been very few that have avoided this doctrine, therefore it concerns the people to keep a strict hand and eye upon them all, and impose not overmuch or long confidence in any.

If the right of laws be the way of men, and force of beasts and great ones, not only advised, but inclined to the latter, then it concerns any nation or people to secure themselves, and keep great men from degenerating into beasts, by holding up of law, liberty, privilege, birth-right, elective power, against the ignoble beastly way of powerful domination.

If of all beasts, a prince should sometimes resemble the lion, and sometimes the fox, then people ought to observe great ones in both the disguises, and be sure to cage the lion, and unkennel the fox, and never leave till they have stript the one, and unraised the other.

If a prince cannot, and ought not to keep his faith given, when the observance thereof turns to disadvantage, and the occasions that made him promise, are past; then it is the

interest of the people, never to trust any princes, nor engagements and promises of men in power, but ever to preserve a power within themselves, either to reject them, or to hold them to the performance whether they will or no. And if princes shall never want occasions to give colour to this breach, then also it concerns the people, ever to make sure of the instance, and not suffer themselves to be deluded with colours, shadows, and mere pretences.

Lastly, if it be necessary for great ones to feign and dissemble thoroughly; because men are so simple, and yield so much to the present necessity (as Machiavel saith;) and in regard he that hath a mind to deceive, shall always find another that will be deceived: then it concerns any people or nation, to make a narrow search ever into the men, and their pretences and necessities, whether they be feigned or not; and if they discover any deceit hath been used, then they deserve to be slaves, that will be deceived any longer. Thus I have noted the prime errors of government, and rules of policy. I shall now conclude with a word of advice, in order to the chusing of the supreme assemblies.

Since it appears, that the right, liberty, welfare, and safety of a people, consists in a due

a due succession of their supreme assemblies : surely then, the right constitution and orderly motion of them, is of the greatest consequence that can be, there being so much embarked in this vessel, that if it should miscarry, all is irreparably lost, unless it can be recovered again out of the sea of confusion. Therefore, as at all times there ought to be an especial care had to the composure and complexion of those great assemblies, so much more after the confusion of a civil war, where it is ever to be supposed, there will be many discontented humours a-working, and labouring to insinuate themselves into the body of the people, to undermine the settlement and security of the commonwealth, that by gaining an interest and share with the better sort, in the supreme authority, they may attain those corrupt ends of policy, which were lost by power.

In this case without question, there are several men that ought to be taken into a strict consideration. There is the old malignant and the new ; against whom, not only the doors are to be shut, but every hole and cranny ought to be stopt, for fear they creep into authority. There is likewise a tame beast, more dangerous than the other two, which is that amphibious animal, the neutral

tral of Laodicea, that can live in either element, sail with any wind on every point of the compass, and strike in with malignants of every sort, upon any occasion.

This is he that will undo all, if he be not avoided ; for in the form of an angel of light, he most slightly carries on the works of darkness. Let not him then, as to our present case, be so much as named upon an election. Thus much for the constitution of the supreme assembly, or the manner of settling authority upon the close of a civil war, for the recovery of liberty. What remains then, but that upon due caution for excluding the wild geese and the tame, the malignant and the neutral, such a people may reasonably be put into possession of their right and interest in the legislative power, and of all enjoyment of it, in a succession of their supreme assemblies.

The only way to preserve liberty in the hands of a people, that have gained it by the sword, is to put it in the people's hands, that is, into the hands of such as by a contribution of their purses, strength, and counsels, have all along asserted it, without the least stain of corruption, staggering, or apostacy ; for in this case, these only are to be reckoned the people : the rest having either

by

by a traitorous engagement, compliance, neutrality, or apostacy, as much as in them lies, destroyed the people, and by consequence made a forfeiture of all their rights and immunities, as members of a people. In this case therefore men ought to have a courage ; and to have a care of the course of election, and trust God with the success of a righteous action ; for nothing can be more righteous and necessary, than that a people should be put into possession of their native right and freedom. However they may abuse it, it is their right to have it, and the want of it is a greater inconvenience, and draws greater inconveniences after it, than any can be pretended to arise from the enjoyment, though they were presented in a multiplying glass, to the eyes of discerning men. But now, as this holds true at all times, in all nations, upon the like occasions of liberty, newly purchased, so much more in any nation, where freedom, in a successive course of the people's assemblies, hath once been solemnly acknowledged and declared to be the interest of the commonwealth ; for, then a depriving the people of their due, is a foundation for broils and divisions ; and as Cicero defines faction to be a deviation from the declared interest of state, so in this case, if it happen that any shall

shall desert a commonwealth in its declared interest, they immediately lose the name and honour of patriots, and become parties in a faction.

F I N I S.











